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## **CUBA AND THE INTERVENTION**



C U B A  
AND THE  
INTERVENTION

BY  
ALBERT G. ROBINSON



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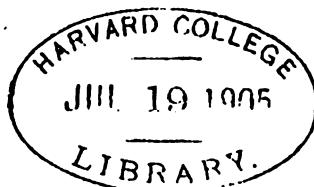
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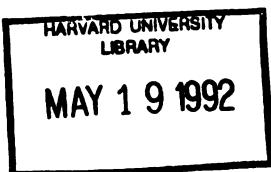
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## PREFACE

WITHIN the limits of a single volume, it is impossible to do more than to touch in brief and general outline the incidents and experiences which I have here sought to cover. The work is therefore suggestive rather than exhaustive. Experiences whose full recital would require a volume are necessarily dismissed with a few pages of comment. Volumes might be filled with the story of each year of the intervention. The first four chapters, serving as an introduction to the major purpose, are easily capable of expansion into other volumes; while the brief review of Cuba's experience as an independent republic dismisses in a few words an abundance of material for still other volumes.

My information regarding the period of American intervention in Cuba comes primarily and mainly from personal experience as a student of the situation. My visits to the island were made in the capacity of a newspaper correspondent and magazine writer whose work and interest were limited to observation, investigation, and analysis of conditions and processes, in their details and their influences.

I arrived in Havana on January 4, 1899, three days after the transfer of Cuba to American control, and remained in the island for four months, visiting the principal cities and making such study as was then possible concerning the welfare of the peasantry in rural areas. In September, 1901, I returned from a trip of sixteen months in the Philippines and South Africa, where I was sent to study and to report the activities of war and the initial steps of reconstruction. In November, of that year, I again went to Cuba, to follow in detail the work of the Constitutional Convention, and to

## PREFACE

note the processes and the results of American administration in the island. I remained until May of the following year. In March, 1902, I returned for a third visit, during which I was a spectator and student of the establishment and of the opening steps of Cuban government. I thus saw the beginning, the middle, and the ending, of the period of intervention.

During these visits, my chief aim and object was to watch the situation from the Cuban rather than from the American point of view. Unlike so many who visited the island I did not limit my observations to the view presented from the windows of the Palace in Havana. That, through official reports and through the major portion of the news reports, I could have had almost as well in Washington or in New York as in Havana. Nor did I accept official statements as necessarily accurate and final. I sought contact with Cubans to obtain their opinions, and met many Spaniards from whom I obtained other opinions. Many in both groups, to which I may add a third, that of the many officers of our Regular Army stationed in administrative positions throughout the island, were and still are among my personal friends. I count myself fortunate in that I secured from many in these different groups a personal trust and confidence which led them to talk with me with entire freedom and honesty.

My correspondence for the publications which I represented, and others to which I was an occasional contributor, was at all times unhampered and unrestricted by any editorial or managerial policy. I was free to tell what I saw and to make my own comments on it. In the preparation of this book I have paid no further attention to that published correspondence than has been desirable and necessary to refresh my memory regarding special incidents or events, and to obtain special figures. The volume is not in any way a compilation of that correspondence, but, with the possible exception of an occasional paragraph, consists entirely of newly written matter, all experiences of the time being weighed in the scales of later developments. Yet I have seen little or nothing to alter materially the opinions and convictions formed during the immediate time.

## PREFACE

I submit the work with a full realization that some of its views and some of its statements may come perhaps as a surprise to many, perhaps as an offence to others. To many it will, I believe, furnish the key to, and the explanation of, features in that complex situation which they have hitherto been unable clearly to understand. If I shall have accomplished that, and if I have contributed anything which shall make for a better and a clearer understanding of those "relations which ought to exist between Cuba and the United States," I shall feel that my work has not been done in vain.

ALBERT GARDNER ROBINSON.  
(“A. G. R.”)



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# CUBA AND THE INTERVENTION

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## CHAPTER I

### CUBAN DISCONTENT

THE Island of Cuba became a Republic as an indirect result of revolt against a system of government which was deemed oppressive, and as a direct result of American intervention in Cuban affairs. It is probable that, without the American intervention, Cuba's revolt of 1895 would have failed as did its predecessors.

Contrary to a prevailing belief, Cuba has not been a land of revolutions. Its history offers no parallel with that of Hayti or Santo Domingo, or with that of the Central and South American Republics. Revolts, local in character, have played their part in Cuba's experience, but the history of the Island shows no general or national uprising until that of 1895. The most important and extensive of these revolts was the Ten Years War (1868-1878), entirely an affair of the eastern provinces. The revolt of 1895 was nationalized by what may be called artificial conditions. It is an important fact, though generally overlooked, that repressive economic laws have been in every case the provoking cause of Cuban revolt. Unlike those of her neighbors in Latin America, Cuba's insurrections have never been the outcome of purely political conditions. Nor have they ever been the result of individual ambition.

## CUBAN DISCONTENT

Spain's colonial policy was, in every instance, the cause of Cuban revolt. If that policy, she violated a fundamental principle of government. She assumed that the subject existed solely for the benefit of the sovereign. In establishing her colony she sought only her own financial advantage. Other colonizing countries learned, through experience, the folly of such a policy. Spain never learned it, and has now lost her insular possessions.

Three factors have contributed to Cuba's frequent protests and occasional revolts. These are:

*First.* Undue trade restrictions;

*Second.* An arbitrary and unscientific system of taxation;

*Third.* Retention of all government and of political patronage in the hands of Spaniards, to the exclusion of Cubans.

To these causes may be traced a large measure of the long-existing Cuban disaffection. To them, also, may be attributed Cuba's failure to attain that position in the world to which, because of her natural resources, her people rightly aspired.

At the very beginning of Spain's colonial history, closely restrictive laws were promulgated for the regulation of commerce with and between her colonies. In 1503, a royal ordinance established the *Casa de la Contratacion*, or House of Commerce, at Seville. This body was empowered to grant licenses, to despatch fleets, and to regulate and control Spanish colonial trade, of which it held an exclusive monopoly. In 1717, the institution was transferred to the port of Cadiz. The colonial trade was thus confined to a single Spanish port. Further restrictions prohibited both intercolonial trade and trade with any country other than Spain. For a period during the seventeenth century, such trade was made an offence punishable by the death of the

trader, and the confiscation of the property involved. As a natural result, smuggling became an established institution.

For the first fifty years of Cuba's history, Santiago was the only port on the Island through which merchandise could be either imported or exported without violation of the law. With the establishment of Havana as the capital of the Island, that city became the sole port officially recognized for over-sea trade. This condition held until the close of the eighteenth century, with the exception of the brief term of British occupation (1762-1763), during which Havana was made an open port. The limitation was removed by a royal order, issued in 1801, by which the Island ports were opened to foreign trade, subject only to the general conditions of world commerce. This system lasted only a few years. In 1809, foreign commerce was again prohibited.

Much difficulty was encountered during the early years of the nineteenth century in the enforcement of prohibitive laws against a trade which had become fairly established, and no little opposition was manifested by the Island people. A new policy was then adopted, less harsh in its appearance but almost equally restrictive in its results. It took the form of a discriminating tariff, applied to both imports and exports. That continued, subject only to sundry modifications from time to time, until the execution, in 1891, of the reciprocity treaty with the United States. That treaty lasted for three years only. It proved a marked benefit to Cuban-American commerce, though detrimental to Spanish trade. With the termination of the treaty, in 1894, there came a reversion to the system of discriminating, differential, and special tariffs in favor of trade with the peninsula as against that of all other countries.

The second of these factors in Cuban discontent was the

## CUBAN DISCONTENT

scheme of taxation. It was an unscientific system. Contrary to a prevalent idea, the taxation of real property, had it been honestly effected, would have given no ground for reasonable complaint. Such property was assessed upon its rental value, and, in normal times, a fair and honest assessment imposed upon real property in the city of Havana, a tax which amounted to less than \$12 on the \$1000 of fee value. This included State tax, municipal tax, and expense of collection.\*

The tax upon country estates was a variable institution depending upon the location of the property, its product, and its facilities for marketing its product. For an average illustration it may be said that an estate producing \$100,000 worth of sugar, having fair facilities, in location and means of transportation, for marketing its product, would bear a tax of about \$1,500 per annum. An increase or reduction in its output, or in the market value of its output, met a corresponding increase or reduction in the amount of the tax. A farm producing a crop of the value of \$1,000 for

\*The basis was as follows:

State tax, twelve per cent on three-quarters of the rental value; municipal tax, a sum equal to eighteen per cent of the State tax, or a little over two per cent on three-quarters of the rental value; and five per cent of the total of the two added to them for the expense of collection. Thus, a property having a fee value of \$10,000 would be taxed as follows:

Property value .....	\$10,000.00
Rental (say) .....	1,000.00
Tax imposed upon (¶ rental) .....	750.00
12 per cent on \$750 (State Tax) .....	90.00
18 per cent on \$90 (Municipal Tax) .....	16.20
5 per cent Collection Tax on \$106.20 .....	5.31
Total Tax .....	\$111.51

By special act, municipalities were permitted to impose, from time to time, an extraordinary tax, known as the surtax, which raised the municipal rate from eighteen per cent to twenty-three per cent of the amount of the State tax. An exception was made in the case of so called "*fincas rusticas*," or rural lands within the municipal limits. These bore a total rate of less than two and one-half per cent of the rental value, or about one-seventh of the sum imposed upon the *fincas urbanas*.

the year, would be taxed in the vicinity of \$20 or \$25. Idle or non-productive land paid no tax. The assessment was made by a commission duly appointed by law under the department known as the *Hacienda*, practically the Treasury Department. Justly imposed, these taxes are not to be regarded as burdensome. The notably objectionable feature of the system lay in its unequal application. Favoritism and bribery played active parts and led to much acrimonious controversy.

While it may be admitted that taxation upon real property was, on the whole, fairly reasonable, no such claim can be advanced regarding another department of direct taxation. This laid burdens upon the individual, upon the necessary articles of daily consumption, and upon all departments of industry. The *cedula de vecindad* was a graded certificate of citizenship, abolished at the beginning of the American occupation. The *consumo de ganado* was a tax upon all dressed meat sent out from the slaughter houses. In Havana, this tax was fixed, by a law of 1890, at four and one-quarter cents per kilo (about two and one-fifth lbs). There were also taxes upon the slaughtering of cattle, which was made a special privilege, and the exclusive right to slaughter was sold to the highest bidder. Both tax and bonus were, necessarily, added to the market price of the meat.

There were special taxes upon fuel and upon building material, upon farm produce brought to market and upon horses used for pleasure driving, upon railways and upon country stage lines. There were professional taxes upon lawyers, doctors, and brokers, and industrial taxes upon carpenters, shoemakers, and masons. Few were exempt from some form of special direct taxation. In cities, there was a tax upon all forms of public amusement, upon public

## CUBAN DISCONTENT

balls, and upon theatrical entertainments, upon cock-fighting, and upon public concerts. Specially stamped official paper, costing from thirty-five cents to \$37.50 per sheet, was imperative for all legal documents, wills, deeds, and papers in civil suits. The price per sheet varied according to the character of the document and the value of the property involved.

In large measure, the system of taxation was arbitrary, depending upon the whim of the authorities, or upon their immediate requirements, official or personal. Abuse in the application of these laws was flagrant, and antagonism was inevitable. Corruption was reduced to an effective system.

While Cubans participated to some extent in the machinery of government, such participation depended primarily upon their co-operation with or subordination to the will and the purposes of the Governor General. In the earlier days, the influence of the church authorities was strongly manifest, but in the later years it became less potent. At no time has it dominated as it has in the Philippine Islands.

The administrative system of the Island as a whole consisted of a Governor General, an appointee of Madrid; Provincial Governors, appointed by the Governor General, to whom they were responsible and by whom they were subject to removal at any time; a *Diputacion Provincial*, in each province, elected by popular vote and holding office for four years; and *Comisiones Permanentes*, composed of five members of the *Diputacion Provincial* in each province, selected by the Provincial Governor. The municipal system has varied from the direct appointment of the *Alcalde*, or mayor, by the Governor General, to a somewhat limited elective system.

From the time of the appointment of Diego Velazquez as Governor of the Island, in 1512, until the termination of Spanish sovereignty at noon on the 1st day of January, 1899, a period of 387 years, Cuba had 136 administrators under their different titles of Lieutenant Governor, Governor General, Captain General, and Provisional Governor. This gives an average term of service of a little less than three years. From the appointment, Nov. 14, 1859, of Lieut. Gen. Francesco Serrano, Duke de la Torre, until the American occupation, a period of thirty years, Cuba was presented with no less than thirty-eight of these representatives from Spain, with an average term of service of a little less than ten months each. Six of these, however, are given as "Provisional."

The frequent change in the head office involved frequent changes in the subordinate positions, and a constant disarrangement of the whole political machinery. Under conditions of such governmental uncertainty, neither content nor due prosperity could be looked for among the people. Lucrative posts, or posts which, under the prevailing system, could be made lucrative, were generally held by Spaniards who, by service or by influence, obtained recognition from the crown. Cuba and Cuban offices were regarded as a rich pasture into which impecunious Spaniards could be turned for their financial fattening. It is natural that a goodly number of Cubans should have developed an ambition to graze in the same rich pasturage, and that they became envious and discontented. They felt that the grazing land was a field in which they had some proprietary right and interest, and that the millions of pesos which were transported to Spain by these temporary Spanish officials, came largely, as they doubtless did, from Cuban pockets. The whole system of Spanish Colonial Government, where-

ever it has existed, has tended strongly to inspire the governed with ambition for the spoils of office. This was inevitable, and desire for political office is epidemic in all the lands over which Spain has held dominion. It is no reflection upon the patriotism of other Cubans to say that, in some of these Cuban revolts, agitators have been concerned whose chief motive was to do for their own pockets that which they had seen so many Spaniards doing for theirs.

Each of these circumstances has played its part in such revolts as are recorded in Cuba's history. But a broad patriotism, a genuine desire for independence and a larger political life, with broadened trade facilities, improved educational advantages, and a more important place in the life of the world, have been manifest in all of Cuba's petty revolts and more extensive insurrections.

The first recorded outbreak of any moment occurred in 1717. At that time, the trade in Cuban tobacco was a monopoly of the Spanish Crown. The government owned warehouses, and fixed the market price of the product. It may easily be imagined that little regard was shown for the profit or welfare of the growers. The attempt of Captain General Roja to enforce the conditions imposed led to an outbreak attended by rioting, and resulted in the temporary withdrawal of Roja.

After that, a time of comparative peace and general acquiescence followed until the beginning of the nineteenth century. There were, during the period, some disturbances among the blacks of Oriente, and the English occupation, 1762-1763, was not without its influence and results.

In fact, it is quite within bounds to say that few periods in the entire history of the Island have been so fruitful of both good and ill to Cuba and the Cubans as this short term of English occupation. The seed then sown by Eng-

land, in the form of a broader trade policy, developed in the dim light of protest and in the darkness of revolution, until, one hundred and forty years later, Cuba determined for herself the trade relations which she was to maintain with the other nations of the world. On the other hand, the opening of Cuba's commercial gates to the traffic of the world, even for so brief a period, brought her vast resources and her valuable products to the knowledge of a world which could make them available and give them value. Prior to that event, Cuba's interests were almost exclusively an affair of the colony and the mother country. Following it, the nations of the larger world became ever more and more actively concerned in the commercial possibilities of the Island. The struggle for the larger life was protracted, but in that struggle lies the key to Cuban revolt.

Reforms in trade conditions were demanded from time to time, and the demands met with varying measure of success. But the active principle of Spain's colonial policy remained, and reform and relief were no more than nominal. The Spanish Constitution of 1812, which followed the Napoleonic War of 1808, granted to Spain's American Colonies a representation in the Cortes at Madrid. In effect, this cession of political rights was practically a dead letter. The reopening of Cuban ports to foreign commerce, in 1818, was followed by a brief period of commercial and industrial activity. Spain quickly took advantage of this condition to enforce an increase in her revenues.

The successful revolution in South America, under Simon Bolivar, in 1828, extended its influence to the Island of Cuba. Under the general auspices of an organization known as the *Soles de Bolívar*, conspiracy extended throughout a large part of the Island, though its centre was in Matanzas. Its leader was José Francisco Lemus, and among its active

members was José María Heredia, the Cuban poet. The insurrection was suppressed, and Lemus and many others were arrested and deported. Much bitter resentment was aroused, and a period of disturbance ensued.

The next uprising of any note was that of 1828, known as that of the Black Eagle (*El Aguila Negra*), an association whose headquarters were in Mexico. In 1825, Ferdinand VII issued a royal order which gave to the Governor General of Cuba almost absolute authority in the Island. Secret organization for political propaganda became the order of the day, and the society of the Black Eagle was among the more prominent of these bodies. The enlarged powers of the local government contributed to the ready suppression of these conspiracies, but the principle involved and the methods pursued by the authorities served only as fresh ground for antagonism.

About this time, there appeared in England certain political influences whose purpose was English control of Cuba. This became a source of serious and active agitation on the Island where it encountered a strong opposition. The incident also involved the United States in a diplomatic controversy which lasted for a number of years. It was this incident which led, almost directly, to the enunciation of the so-called Monroe Doctrine, though the general proposition of that doctrine had been laid down in earlier administrations.

A revolution in the Peninsula, that of La Granja, in 1836, was the occasion of disturbance in Cuba, though the active parties were in reality the Governor General, Don Miguel Tacon, one of the ablest and strongest men whom Spain has ever sent to the Island, and one of his subordinates, General Lorenzo, commanding the department of Santiago. General Lorenzo sided with the seemingly trium-

phant *Progressistas* of the homeland, and proceeded to put into effect, without the authorization or the approval of his superior in office, the principles of the Spanish revolutionary party. By virtue of the supreme authority vested in the Governor General by the order of Ferdinand, in 1825, General Tacon at once undertook the suppression of the movement inaugurated by General Lorenzo in the eastern department, on the ground that it was a menace to the peace of the Island and a danger to Spanish interests. Lorenzo lost through failure to take advantage of a critical opportunity, and returned to Spain to seek a vindication. Dire punishment fell upon many who had supported and followed him. Men of wealth and position paid the penalty of imprisonment or exile. Some went into voluntary exile. General Tacon did much for Cuba during his administration of the affairs of the Island, but it would appear that his course established a precedent for the absolutism of many of his successors.

Of Cuba during the latter part of the first half of the nineteenth century, a Cuban writer of that period said:

"In a state of agitation in the public mind, and disorder in the government, with the political passions of Spaniards and Cubans excited; the Island reduced from an integral part of the monarchy to the condition of a colony, and with no other political code than the royal order conferring unlimited power upon the chief authority; the country bowed down under the weighty tyranny of two military commissions established in the capitals of the eastern and western departments; with the prisons filled with distinguished patriots; deprived of representation in the Cortes; the *ayuntamientos* prohibited the right of petition; the press forbidden to express the state of public opinion; closed the administration of General Don Miguel Tacon in the Island of Cuba, the most calamitous, beyond a question, that this country has suffered since its discovery by the Spaniards."

In 1848, a conspiracy was inaugurated in the Cienfuegos district. This was speedily crushed, and many of its leaders punished after the customary method. Its chief leader, Narciso Lopez, escaped to the United States where he became the central figure in a movement for the liberation of Cuba. His supporters were, in the main, Cubans, some of them, like himself, in exile. They were more than a little aided by Americans and American sympathy. In 1849, a filibustering expedition was organized, but its execution was frustrated by the vigilance of the American authorities. Undaunted by this experience, Lopez organized another expedition, in 1850. This sailed from New Orleans, and landed 650 men at Cardenas. It was claimed at the time that the Island was ripe for general revolt, and only lacked a leader and a central organization around which supporters might rally. The expedition was a dire failure. The people failed to respond, and even the filibusters deserted in numbers to the side of the Spanish forces. Lopez escaped to Key West. He was arrested in Savannah, but was released in response to a popular demand.

In 1851, Lopez made a third attempt. Correspondence from the Island, and expressions of sympathy in the United States, assured him of support. On Aug. 2, 1851, he again sailed from New Orleans at the head of a filibustering expedition. The band numbered some four hundred poorly armed men, many of whom were Americans, most of whom were doubtless little other than military adventurers. A landing was effected at Playitas, near Bahia Honda, some fifty-five miles west of Havana. An engagement followed, in which the invaders were greatly outnumbered, and, though their fire was disastrously effective, they were forced to seek refuge in flight. Colonel Crittenden, of Kentucky, with a party of Americans under his command, was cap-

tured and taken to the Fortress of Atares, behind the City of Havana. There they were shot by order of the Spanish authorities. Lopez pushed his way toward the interior, but was captured and taken to Havana, where he suffered death, by *garrote*.

In the initial number of the *New York Times*, issued on Oct. 18, 1851, there appeared a review of the Lopez incident. The following extracts from that article present a contemporaneous opinion of the experience:

"Our readers have undoubtedly made themselves familiar, through the public journals, with the history and result of the late invasion of Cuba. We shall not, therefore, repeat them.

"The issue of this attempt will probably prevent any new one, for some years to come. Nothing can be clearer than the fact that, for the present at least, the inhabitants of Cuba do not desire their freedom. This has been made so evident by the fearful hostility which Lopez encountered from the inhabitants of the Island, from the first hour when he first landed upon their coast, that any new invader will require conclusive evidence of their favorable disposition, before he will trust himself among them. . . .

"The opinion has very widely prevailed that the Cubans were grievously oppressed by their Spanish rulers, and that the severity of their oppression alone prevented them from making some effort to throw it off. The presence of an armed force in their midst, however small, ready to start the battle against their tyrants, it was supposed, would summon them by thousands to the standard of revolt, and convert the colony into a free republic. These statements have been made upon high authority, and repeated and believed for years past. Men high in office, men who had lived in Cuba and were supposed to be familiar with the sentiments of its people, have uniformly represented that they were ripe for revolt, and desired only the presence of a small military band to serve as a nucleus for their force. . . .

"Believing that the Cuban population would aid them, Ameri-

can adventurers, never too scrupulous as to the nature of the enterprises which attract their minds, enlisted and were ruined. They found no aid. Not a Cuban joined them. They were treated as pirates and robbers, from the first moment of their landing until their destruction was accomplished. Nor could they, nor did they, expect any other treatment in case of failure. Even if a revolution had been in progress there, they would have been rebels and would have been treated as such. They ceased to be American citizens the moment they set out, as invaders, for the shores of Cuba. They became amenable to Spanish law, and they expected to meet its vengeance if they failed to overthrow it. As there was no revolution there — as the people of Cuba did not wish their aid and joined the government against them — they were invaders, waging war, on their own responsibility, upon the Spanish authorities. Their own government was at peace with Spain; and their conduct was, therefore, criminal at home as well as in Cuba. They violated American law, as well as the laws of Cuba."

But the disastrous failure of the Lopez expeditions was not due to Cuban satisfaction with or indifference to the existing conditions. It was probably due to a lack of confidence in either the man or his methods. Although Cuba was ripening for revolt, the movement was premature. Among the Cubans of that time, there was one whom the Cubans now call the Immortal Saco. The following paragraph appears in a personal letter written by him during the year 1846. The accuracy of its prediction falls little short of prescience. His statement of the conditions and results of the Ten Years' War could have been made with no greater accuracy at the end of that struggle than it was twenty-two years before its outbreak. The document from which this is taken is unquestionably authentic:

"The tyranny of our mother country, to-day most acute, will have this result — that within a period of time not very remote

the Cubans will be compelled to take up arms to banish her; but I, who see the danger of my country, would judge myself most blame-worthy if I did not show it or seek to avert it as far as lies in my power. Hither will come war and all of the Island will not respond; I hold it for certain that Havana will remain almost indifferent and with her the adjoining districts, while in the part given over to revolution commerce will be annihilated, the country estates will be destroyed, the smaller towns will be burned, and assassinations will be committed in the name of military executions; property will be confiscated, whole families will emigrate; when all is mourning, solitude, and terror, the cities and towns of the Occident will gain in riches, contributing much to sustain the Spanish troops in the regions in revolt, while the Cuban army which sacrifices itself for the country will perish, because the revolution being considered a failure abroad will not secure resources; nakedness, hunger, and disease will induce the least robust persons and those of the greater prestige to desire and accept whatever terms the mother country may offer to them. So it will be for the first, the second, and the third time, perhaps, before that support is gained through which the Cubans will triumph in the Palmyra of the New World. I approve revolution, but not as I show you because thus it will result. The day in which I throw myself into a revolution it will not be to ruin my country or to dishonor myself, but only to secure the existence and the happiness of her sons."

Writing of Cuba, in 1854, the traveller historian, M. M. Ballou, said: "Cuba is at present politically in a critical and alarming condition, and the most intelligent natives and resident foreigners live in constant dread of a terrific and sanguinary convulsion." Then followed a period of general unrest, discontent, and protest, in which the slavery question played an important part. This lasted until the outbreak of the so-called Ten Years War, in 1868. Though all of these disturbances were, in their outward seeming, of a political nature, their underlying cause was economic.

Political revolt was the weapon with which Cuba sought relief for her economic woes. National independence may have been the object of a few. It was not then desired by the great mass of the people.

## CHAPTER II

### WAR AND ITS RESULTS

THROUGHOUT the period which elapsed between the conspiracy of the *Soles de Bolívar*, in 1823, and the outbreak of the Ten Years' War, in 1868, Cuba was in a state of almost continual ferment with occasional local revolts. Effort and demand for the removal of the limitations imposed upon Cuban commerce and the profits of Cuban industry by restrictive tariffs and excessive taxation, met with little else than political jugglery, vague assurances, and unfulfilled promises.

In 1865, a number of prominent Cubans organized a party whose definite aim and purpose was relief from oppressive economic conditions. This, necessarily, could only be effected through reform in political conditions. It was a period of no little prosperity, notably in the line of Cuba's chief industry, the production of sugar. The output was steadily increasing, and prices for the commodity ruled fairly high, being more than double those of the present day. Yet the times were seriously disturbed and a spirit of discontent was dominant in the Island.

During the same year, 1865, the Spanish queen, Isabella II, appointed a commission for the investigation and consideration of questions concerning political reform in the Island. Cuba was called upon to send delegates to appear before this commission with a presentation of the grievances of the Cuban people. The requests submitted by these dele-

gates included the establishment of a constitutional insular government, freedom of the press, the right of petition and assembly, the right of Cubans to hold office in Cuba, and Cuban representation in the Spanish Cortes. Many Cubans had come into intimate contact with their great neighbor on the north, and had imbibed the spirit of republicanism. Spain, following her established policy, gave no heed to these desires, and disregarded the signs which were even then clearly visible. As Cuba held the position of "the under dog in the fight," and because of Spain's manifest unfairness and frequent injustice and cruelty to the people of her colony, the sympathies of the American people were, at that time, as they were thirty years later, decidedly with the Cubans. But it would be to lose the true perspective to picture the Spanish people, nationally, as a race of demons trampling upon the natural rights of a race of Cuban saints. It is seldom that either party to such a controversy is wholly right or wholly wrong. The situation is probably portrayed with accuracy in a letter written some years later by Hamilton Fish, Secretary of State in the Cabinet of President Grant, to Caleb Cushing, Minister to Spain. Referring to this period, in a letter under date of March 1, 1878, Mr. Fish says:

"Abuses and wrongs which would not be tolerated in the Peninsula have been allowed and are perpetrated in the Island.

"The administration of law has been substantially subordinated to military force; offences against the government, whether really committed or only suspected, have been punished at the will of military officers or under the forms of military courts, and the Island has been, in fact, governed, even in times of peace, by martial law.

"Exactions by way of taxes, imposts, and contributions have been onerous and oppressive, so much so, in fact, as to make it

often questionable whether the possession of property, with the risks attendant upon its cultivation, would not result in loss. These exactions have been governed by no fixed rule, are enforced by an arbitrary power in the Island, and large proportions fail to reach the public treasury, or to contribute in any measure to the support of the government, but are directed to private purposes.

"Public positions are held by persons sent by Spain to the Island, who are wanting in interest in the welfare of Cuba, and who resort thither for the mere purpose of pecuniary profit, intending to return to Spain as soon as their avarice is satisfied. General report and belief speak loudly of corruption, and a large number of public officers are charged with securing profit from their positions.

"Oppressive commercial regulations, injurious to trade, discriminating directly against Cuba, enhance the price of commodities. Fines imposed upon vessels for trivial offences, and large exactions by way of consular fees for clearances of vessels destined for her ports, discourage trade and commerce and tend to place the Island at a serious disadvantage."

The indifference of the Spanish Government to such a situation in her most valuable colony, and her neglect to render justice to colonists who were quite disposed to be loyal under any rational system of government, led to an almost inevitable result. Revolt followed.

On the 10th of October, 1868, Carlos Manuel Cespedes and his associates raised the cry of Cuban independence at Yara, in the Province of Puerto Principe. On the 10th of April, 1869, there was proclaimed the constitution of the Cuban Republic. During the intervening months, there was considerable fighting, though it was largely in the nature of guerilla skirmishing. The Spanish Minister of State asserts, in a memorandum issued to Spain's representatives in other countries, under date of Feb. 3, 1876, that at the outbreak of the insurrection Spain had 7,500 troops, all told, in the Island of Cuba. According to the

statement of General Sickles, then Minister to Spain, this number was increased by reinforcements of 34,500 within the first year of the war. The accuracy of this information, however, has been questioned.

Prior to the establishment of the so-called Republic, the affairs of the insurrection were in the hands of an Assembly of Representatives. On Feb. 26, 1869, this body issued a decree proclaiming the abolition of slavery throughout the Island, and calling upon those who thus received their freedom to "contribute their efforts to the independence of Cuba." During the opening days of April, 1869, the Assembly met at Guiamara. On the 10th of that month a government was organized, with a president, vice-president, general-in-chief of the army, secretaries of departments, and a parliament or congress. Carlos Manuel Cespedes was chosen as President, and Manuel de Quesada as General-in-Chief. A Constitution was adopted. Señor Morales Lemus was appointed as minister to the United States, to represent the new Republic and to ask official recognition by the American Government.

The government which the United States was asked to recognize was a somewhat vague institution. The insurrection, or revolution, if it may be so called, at this time consisted of a nominal central government, chiefly self-organized and self-elected, and various roving bands, probably numbering some thousands in their aggregate, of men rudely and incompletely armed, and showing little or nothing of military organization or method. It is probable that the new Cuban Republic was not inaccurately described in a letter from Señor Lopez Roberts, the Spanish Minister in Washington, to the Secretary of State, Mr. Fish, under date of April 5, 1869. He said:

"The rebels have no communication with each other; they occupy no place as a centre of operations; nor have they, in the whole Island, a single town, a single village or hamlet, nor even a point on the coast, where they might collect their forces and date their orders and proclamations; but they fly from our troops and never offer battle, except when forced to do so; and their only mode of warfare is to apply the incendiary torch to estates, thus reducing to ashes and ruins the whole wealth of the Island, if not prevented by Spanish soldiers."

The statements of this extract are not fully supported by facts. Like all Cuban-Spanish wars and warfare, the destruction of property was a common procedure, and there was much that came little short of brutal murder. But this applies to the methods of both of the contending parties. The reduction of the "whole wealth of the Island to ashes and ruins" is distinctly a Spanish figure of speech. The great wealth of the Island, then as now, lay in the western districts. At no time during the whole term of the war did the insurrection touch that section. It was an affair of the eastern provinces of Santiago and Puerto Principe and the central province of Santa Clara.

Some of the methods employed for the suppression of the insurrection were not unlike those adopted by General Weyler in the later war. At Bayamo, on April 4, 1869, Count Valmaseda, the Spanish Commandant of that district, issued the following proclamation:

- "1. Every man, from the age of fifteen years upward, found away from his place of habitation, who does not prove a justified reason therefor, will be shot.
- "2. Every unoccupied habitation will be burned by the troops.
- "3. Every habitation from which no white flag floats, as a signal that its occupants desire peace, will be reduced to ashes.

## WAR AND ITS RESULTS

"4. Women who are not living at their own homes, or at the homes of their relatives, will collect in the town of Jiguani, or at Bayamo, where maintenance will be provided. Those who do not so present themselves will be conducted forcibly."

But the revolution displayed a marked degree of tenacity in its special area, and assumed such proportions that, on June 29, 1869, Secretary Fish took the matter up with General Sickles, who was then United States Minister to Spain. Under that date, Mr. Fish wrote as follows:

"The condition of the Island of Cuba excites the most serious concern. For more than nine months a civil conflict has been raging there that gives no promise of a speedy termination; a conflict marked with a degree of fierceness and excess on either side rarely witnessed in later ages, and threatening, if continued, to work the desolation and destruction of the wealth and the resources of the Island."

The letter proceeds with a brief review of the reasons for special interest on the part of the United States in the affairs of Cuba, and leads up to a tender of the good offices of the United States in effecting a termination of the war. This was expressed as follows:

"After much consideration and a careful survey of the question in all its relations, this Government has arrived at the conclusion that it is its duty to exert its friendly influence to bring this unhappy strife to a close. Duty to its own citizens and to their large property interests, jeopardized by the continuance of the war, the necessity of maintaining quiet within its borders now seriously disturbed by the continued strife carried on so near its borders — our friendship for Spain, one of the earliest and oldest of our allies, with whom no interruption of friendly relations has occurred since our entrance into the family of nations — our sympathy for the Cubans, who are our neighbors — all alike impel the Government to this course.

"The President therefore directs you to offer to the Cabinet at Madrid the good offices of the United States for the purpose of bringing to a close the civil war now ravaging the Island of Cuba, on the following bases:

- "1. The independence of Cuba to be acknowledged by Spain.
- "2. Cuba to pay to Spain a sum, within a time and in a manner to be agreed upon by them, as an equivalent for the entire and definite relinquishment by Spain of all her rights in that Island, including the public property of every description. If Cuba should not be able to pay the whole sum in cash, the future payments, by installments, are to be adequately secured by a pledge of the export and import customs duties under an arrangement to be agreed upon for their collection, in trust, for the purpose of securing both the principal and interest of those installments until their final discharge.
- "3. The abolition of slavery in the Island of Cuba.
- "4. An armistice pending the negotiations for the settlement above referred to."

This letter was followed by another, under the same date, in which there occurs the following:

"You will notice that the proposal contained in your instruction No. 2 (that from which the above quotations are taken) is expressed to be for the purpose of bringing to a close the civil war now ravaging the Island. While this expression is not designed to grant any public recognition of belligerent rights to the insurgents, it is nevertheless used advisedly, and in recognition of a state and condition of the contest which may not justify a much longer withholding of the concession to the revolutionary party of the recognized rights of belligerents. Should the expression therefore be commented upon, you will admit what is above stated with reference to it, and may add, in case of a protracted discussion, or the prospect of a refusal by Spain to accept the proffered offer of the United States, that an early recognition of belligerent rights is a logical deduction from the present proposal, and will probably be deemed a necessity on the part of the United States, unless the condition of the parties to the contest shall have changed very materially."

This proposition was duly submitted through the proper diplomatic channels, and, on August 18, General Sickles cabled to Secretary Fish as follows:

"President of Council authorizes me to state that the good offices of the United States are accepted. He suggests, informally, for your information, four cardinal propositions that will be acceptable, if offered by the United States, as the basis for a convention, the details to be settled as soon as practicable:

- "1. The insurgents to lay down their arms.
- "2. Spain to grant simultaneously a full and complete amnesty.
- "3. The people of Cuba to vote by universal suffrage upon the question of their independence.
- "4. The majority having declared for independence, Spain to grant it, the Cortes consenting; Cuba paying satisfactory equivalent guaranteed by the United States."

Special stress was laid upon the proviso that the insurgents lay down their arms. Diplomatic negotiations followed, lasting for about four weeks, when General Sickles notified Secretary Fish that the Spanish Government held that acceptance of the "bases proposed by the United States was out of its power; that the mediation of any nation in a purely domestic question was wholly incompatible with the honor of Spain; that the permanent committee of the Cortes, representing all shades of politics, had unanimously voted that the independence of Cuba was inadmissible as a basis of negotiation; and that, by the terms of the Constitution, no measure could be taken without the consent of the Cortes that might result in any alienation of Spanish territory." On September 28, the offer of the United States was officially withdrawn.

Meanwhile the strife continued. Large numbers of reinforcements from the Peninsula enabled Spain to confine its activities to the eastern provinces. The commerce of

the Island was not greatly disturbed, for the reason that the great producing and commercial centres lay to the westward. But within its area, the war was conducted, upon both sides, in relentless fashion with widespread destruction. The special need of the insurgents was arms and ammunition. This feature and the efforts to supply the need were the occasion of protracted and complicated negotiations between the United States and Spain.

A Junta had been organized in New York. Money was raised and filibustering expeditions were essayed with varying success. The Spanish Minister in Washington, Señor Lopez Roberts, filed frequent complaints which were duly investigated and dealt with where suitable evidence was found. A considerable number of vessels were charged, probably with justice, with being engaged in filibustering expeditions. The most notable case was that of the steamer Virginian which sailed from New York in October, 1870, with clearance papers for Curacao, carrying a cargo of breadstuffs, saddlery, and clothing. She appears to have cruised between various ports in the Caribbean Sea until her capture, on Oct. 31, 1873, upon the high seas, by the Spanish ship Tornado. When captured, she had on board 155 people, nominally as crew and passengers. These were taken to Santiago, where fifty-three, many of them Americans, were summarily shot. This act led to a conference between Secretary of State Hamilton Fish and Rear Admiral Polo de Bernabe, the Spanish Minister. The investigation which followed determined that the Virginian carried the American flag in violation of the maritime laws of the United States. It was held that, by the seizure, Spain had offered no offence or insult to the American flag. The ship was ordered to New York, where necessary papers for a libel suit were to await her arrival. American naval officers and a crew

were ordered to Bahia Honda to take possession of the vessel and proceed to New York. This was done, but the ship and her machinery were in exceedingly bad shape, and she foundered in a heavy gale near Cape Fear, thus closing the incident so far as the ship was concerned.

But another feature remained. This was the question of indemnity for that which Caleb Cushing, the American Minister to Spain, in his letter to the Spanish authorities denounced as "a dreadful, a savage act," "the inhuman slaughter in cold blood of fifty-three human beings, a large number of them citizens of the United States, shot without lawful trial, without any valid pretension of authority, and to the horror of the whole civilized world." Nineteen of the victims were British subjects and England also advanced claims for indemnity. She reached her conclusion of the matter more expeditiously than did the American authorities. In August, 1874, Spain agreed to the demands of England but managed to delay actual payment until December 14. On March 2, 1875, Spain agreed to pay to the United States "the sum of \$80,000 for the purpose of relief of the families or persons of the ship's company and passengers" of the steamer Virginius. Meanwhile the insurrection made but little headway, and Spain was unable to bring it to an end.

In an official letter, dated April 18, 1874, Secretary Fish says: "It is now more than five years since the uprising, and it has been announced, with apparent authority, that Spain has lost upward of 80,000 men, and has expended upward of \$100,000,000, in effort to suppress it; yet the insurrection seems to-day as active and as powerful as it has ever been." Spain's losses among her troops were not due so much to the casualties of war, as they were to the ravages of disease, especially the yellow fever.

The process, in which both parties would appear to be about equally culpable, of destroying property and taking life when occasion offered, proceedings which are hardly to be dignified by the name of war, continued until the beginning of 1878. General Martinez Campos was then Governor General. Maximo Gomez was the recognized leader of the insurgents. Between these two men, there was effected that which is known as the Treaty of Zanjon, on Feb. 10, 1878. The preamble to the Articles of Capitulation reads as follows:

"The people and the armed forces of the Central Department, and the armed groups from other departments, having met in convention as the only fit means of terminating, in one sense or another, the pending negotiations, and having considered the propositions submitted by the Commander-in-chief of the Spanish army, determined on their part to propose amendments to said propositions by presenting the following Articles of Capitulation," etc., etc.

These Articles provided for: The political and administrative organization of Cuba; pardon for political offences; freedom of persons under indictment; amnesty for deserters; the emancipation of the coolies and slaves serving in the rebel ranks; free transportation for those desirous of leaving the Island.

Spain claims, and with some reason, that she went beyond the bounds of these provisions. The question of slavery had been in active agitation for many years. A decree of 1868 provided emancipation for all children born of slave mothers after September 17 of that year. An act of July, 1870, gave freedom to slaves who had served under the Spanish flag, those who had reached sixty years of age, and those who belonged to the State. An act of Feb. 13, 1880, gave

freedom to others, and the decree of Oct. 17, 1886, declared the system of slavery forever extinct in Spanish dominions.

There is a marked discrepancy between Cuban and Spanish statements concerning the fidelity with which the promises made at the time of the capitulation were carried out. By a proclamation of March 24, 1878, full amnesty was granted to all, even to Spanish deserters who served in the insurgent army. During the years following the surrender, the municipal laws, the Constitution, and the legal codes in force in Spain were extended to the Island. Under the Constitution, Cubans were granted the privilege of "peaceable assembly." The Constitution also carries, practically, a "Bill of Rights," suffrage, freedom of worship, freedom of speech, freedom of the press, the right of petition, and eligibility to all public offices. Provision was made for Cuban representation in the Spanish Cortes. This is the Spanish claim. The notably weak point in the concessions lies in the decree of June 9, 1878, defining the powers and duties of the Governor General. His powers were virtually supreme. The decree declares that:

"The Governor General is the highest official representing the National Government in the Island of Cuba. He is the delegate of the Ministers of the Colonies, of State, of War, and of the Navy. He has, moreover, as vice-royal patron, the powers inherent in the patronship of the Indies, agreeably to the papal bulls and the laws of the Kingdom. His authority extends over all that conduces to the maintenance of the public peace, the preservation of the territory, the execution of the laws, and the protection of life and property.

"He is the commander-in-chief of the army and navy of the Island, and controls the forces on land and sea, subject to the army and navy regulations. All the other authorities of the Island are subordinate to him."

The Cuban argument is set forth in a letter from Tomas Estrada Palma, to Richard Olney, Secretary of State, under date of Dec. 7, 1895. The causes of the revolution of 1895, he gives as

"Substantially the same as those of the former revolution, lasting from 1868 to 1878, and terminating only on the representation of the Spanish Government that Cuba would be granted such reforms as would remove the grounds of complaint on the part of the Cuban people. Unfortunately the hopes thus held out have never been realized. The representation which was to be given to the Cubans has proved to be absolutely without character; taxes have been levied anew on everything conceivable; the offices in the Island have increased, but the officers are all Spaniards; the native Cubans have been left with no public duties whatsoever to perform, except the payment of taxes to the government and blackmail to the officials, without privilege even to move from place to place in the Island except on the permission of governmental authority.

"Spain has framed laws so that the natives have substantially been deprived of the right of suffrage. The taxes levied have been almost entirely devoted to the support of the army and navy in Cuba, to pay interest on the debt that Spain has saddled on the Island, and to pay the salaries of the vast number of Spanish office-holders, devoting only \$746,000 for internal improvements out of the \$26,000,000 collected by tax. No public schools are within reach of the masses for their education. All the principal industries of the Island are hampered by excessive imposts. Her commerce with every country but Spain has been crippled in every possible manner, as can readily be seen by the frequent protests of ship-owners and merchants.

"The Cubans have no security of person or property. The judiciary are instruments of the military authorities. Trial by military tribunal can be ordered at any time at the will of the Captain General. There is, besides, no freedom of speech, press, or religion."

Thus runs the Cuban tale, and it is evident that many thousands of Cubans believed the facts to be as stated by Señor Palma. So believing, and after waiting for full development and trial of Spanish purposes, war was again declared for the purpose of obtaining the desired freedom in all the departments of life. It is asserted that the Ten Years War cost Spain \$700,000,000 and more than 200,000 lives. Its successor was to cost her more money, more lives, and, at last, her insular possessions.

## CHAPTER III

### THE REVOLUTION OF 1895

SPAIN's fulfilment of the conditions of the Treaty of Zanjon was an appearance rather than a fact. It is true that the Spanish Constitution in its entirety was extended to Cuba, and that the Spanish law of civil procedure and the Spanish civil code were put into effect in the Island. Other reforms and improvements were also inaugurated. But it is also true that Cuban conditions and burdens remained with little or no real alleviation.

Another important factor appears in the Cuban experience of this period. For a number of years, the Island had been faced with the competition of European bountied sugars in the marketing of her chief product. The production of beet sugar in Europe increased from 200,000 tons, in 1850, to 3,841,000 tons, in 1894. Prices were greatly reduced, and the profits of Cuban planters were heavily cut. As a general rule, the Cuban planter is a man who desires to make money in order that he may have money to spend, rather than that he may have money with which to make more money. He was called to face conditions which demanded improvements and economies in his business. His earlier experience had not qualified him to cope with such conditions, and a measure of economic distress resulted. This followed notwithstanding the advantages secured during the period of reciprocity with the United States. After the manner of his kind, in Cuba, as elsewhere, the planter

looked to his government to establish political conditions which would relieve his economic distress. He might quite as well have looked to the moon. Spain was not in Cuba for the purpose of encouraging either extravagance or profits in the business of Cuban planters. The revolt followed, chiefly, as a result of Spain's failure to do her part in improving the economic situation in her West Indian colony.

As has been already stated, the promises of the Treaty of Zanjon, effected between General Martinez Campos and General Maximo Gomez, were only nominally fulfilled, and Cuba's condition was still far from satisfactory to the Cuban people. A certain measure of political reform had been conceded, but Cuba was still under the domination of what was virtually a military autocracy.

The cancellation of the Reciprocity Treaty, in 1894, and the consequent decrease in the price of sugar, resulted in a further limitation of industrial prosperity, if not in a measure of industrial distress. Had the government been conducted with a view to the rights and the interests of the Cuban people, both economic distress and political unrest might have been averted. It is difficult to realize Spain's blindness to the situation. It is even more difficult to understand it. The great mass of the Island people were still fairly loyal to the mother country, and desired no absolute separation from her. All that was asked by the majority was regard for their political rights, and consideration for their economic welfare. Political parties had been organized whose aims were, in the main, not widely divergent, though they failed utterly to harmonize either their interests or their actions. Autonomy, though somewhat vaguely defined, was the aim of the greater number. Had that autonomy which was proclaimed when too late, in Novem-

ber, 1897, been proffered and effected in November, 1894, there is every reason for belief that the subsequent history, not only of Cuba but of the United States as well, would have been vastly changed. The war between Spain and the United States would have been indefinitely postponed, if not entirely averted. But Spain persisted in her indifference to Cuba's highest interests, and revolution followed.

During February and March, 1895, local uprisings occurred in the eastern part of the Island. These were quickly suppressed and some of the leaders were deported to Spain's penal colonies. The inauguration of the insurrection of 1895 was the work of a few men. Their work was effectively accomplished, and, until the outbreak, a remarkable degree of secrecy was maintained. The authorities believed that a movement was on foot, but were unable to locate its centre or to obtain sufficiently compromising evidence against those who were suspected of being engaged in it.

José Martí was the animating spirit. By personal visits and by correspondence he put himself into communication with some of those who had been prominent in the Ten Years' War. He visited Maximo Gomez at his home in Santo Domingo, where that spirited old revolutionist had betaken himself after the conclusion of the Treaty of Zanjón. Gomez was offered, and accepted, the command of the proposed army of liberators. Antonio Maceo, a mulatto, the ablest and most daring of Cuban military leaders, gladly accepted a command and held himself in readiness to return to Cuba when summoned. The Cuban Junta, with headquarters in New York, was in charge of Estrada Palma. An effective working organization was established.

The date set for a general uprising was the 24th of February, but the response on that date was not widespread by reason of a lack of arms. Yet it appeared with such

force that, on the 27th, the Spanish authorities declared martial law in Matanzas and Santa Clara provinces, and a period of eight days was given for the surrender of the insurgents with promise of pardon. Several local uprisings and skirmishes occurred prior to the arrival on the Island of the recognized leaders of the insurrection. One of these was at Ybarra, in Matanzas province. Others occurred in the provinces of Santa Clara and Santiago. These were readily suppressed by the Spanish authorities, who then became seriously alarmed.

The insurrection made rapid headway under the leadership of local commanders, and reinforcements for the garrison in Cuba were hurried across from Spain. Martinez Campos, who had effected the conclusion of the Ten Years' War, was sent out as Governor and Captain General. It was realized that an active war was imminent, and Spain took measures to meet it.

The movement in Santiago was under the leadership of Bartolomé Masó, an influential planter in the vicinity of Manzanillo. On April 1, Antonio Maceo, his brother José, and other leaders landed at Duaba and took the field. On April 11, José Martí, Maximo Gomez, and others arrived on the Island. Engagements soon became a matter of daily occurrence, and Campos realized that he had a formidable opponent.

Meanwhile, the Island was alive with political movement. Numerous political parties were in existence, representing varying shades of political opinion and political ambition. Out of the peace of 1878, there had grown two definite parties, the Liberal and the Union Constitutional. Facions had broken off from these and organized as Autonomists, Liberal Autonomists, Conservatives, Reformers, and others which had little or no importance. {None of them was

revolutionary. The revolutionary party was the insurrection. Numerically, it was, at this time, probably no more than a small minority, a focus toward which or from which those of other parties would turn, according to the developments of the revolt. In his able work on this period, Mr. Charles M. Pepper says: "Torch and machete make short work of constitutional agitation. They are not the weapons of political parties. When they were resorted to it was a question whether they would convert the Autonomists into recruits or into enemies of the faith that proclaimed its doctrines by war." Many who sympathized with the *insurrectos* hesitated to become active participants in the movement. Some were swept into it by the processes of war. Others remained inactive though yielding such material aid as was possible for them. These became known as the *Pacificos*.

At its inception, although the leadership of the revolutionary movement included among its numbers not a few Cubans of prominent social and financial position, its rank and file, the fighting force, was composed chiefly of a somewhat irresponsible element, largely negro and mulatto field hands, with little or no stake in the country, and nothing to give or lose except life. With the growth and success of the movement, many of the better and more responsible classes became openly identified with it, though an undue number of these insisted upon and only served on receiving commissions as field or line officers. Later on, a certain number became known as Heroes of the Blockade, because their patriotism awoke to enthusiastic activity only after the serious fighting was over, and the Island became blockaded by American war ships. Naturally the motives which led to participation in the movement were varied and com-

\*"Tomorrow in Cuba," page 23.

plex. Marti was a patriot, a poet, and a dreamer. Maximo Gomez, once a petty officer in the Spanish army, a native of Santo Domingo, had dreamed impracticable dreams of a united West Indian Republic. Maceo's motive was perhaps a compound of patriotism and a love for the excitement of war, and a hatred of Spain. Among leaders and among followers, there was genuine patriotism, love of country, desire for freedom and national independence. There was also hatred of Spanish government and Spanish governors, personal ambition, love of war and love of the glory which comes from war, the hope of gain, and the desire for preferment.

Immediately upon landing, José Marti, the acknowledged head of the revolutionary element, issued a call for the selection of representatives to form a civil government. Before this could be effected, Marti met his death, on May 19, in an engagement which occurred while he and Gomez, with some three hundred men, were seeking to pass the cordon established by General Campos between the provinces of Santiago and Puerto Principe. His death was a severe blow to the Cubans, but it in no way checked the movement. Gomez passed the cordon, and organized an army in Puerto Principe.

The constituent assembly, summoned by Marti, met at Jimaguayu, in Puerto Principe province, on Sept. 13, 1895. It consisted of twenty members, representing nearly all parts of the Island. Its purpose was the organization of a Cuban Republic. On the 16th, it adopted a constitution, and on the 18th elected, as President, Salvador Cisneros Betancourt, and as Vice President, Bartolomé Masó. Secretaries and sub-secretaries were duly chosen and all were formally installed. Maximo Gomez was elected General-in-chief of the Army, with Antonio Maceo as Lieutenant

General. Tomas Estrada Palma was chosen as delegate plenipotentiary and general agent abroad, with headquarters in New York.

Both civil and military organizations were, for a time, crude and somewhat incoherent. It was a movement which could only succeed by success. Arms and money were lacking. The civil government was little else than a necessary form. Action lay with the military and with the Cuban Junta in the United States. The first real battle of the war occurred at Peralojo, near Bayamo, in Santiago Province, about the middle of July. The leaders of the opposing forces were Antonio Maceo and Governor General Campos, in person. The victory lay with Maceo, and Campos barely eluded capture. The fighting continued, with varying success, until the time of America's active interference. As it is not my purpose to write a war history, I touch these points only in outline. The war came and its determination is familiar to all.

Patriotism, desire for national independence, and personal ambition, were, undoubtedly, factors in the precipitation of the war. Its underlying cause, like that of its predecessors, is undoubtedly to be sought in the general discontent and unrest created by governmental action which imposed heavy burdens upon the industries of the Island, and at all times retarded its economic development. It is probable, if not certain, that the desire of the great majority was a larger economic life with greater national and individual prosperity, rather than separation from the mother country for any political reasons.

While the insurrection was taking on a more definite shape and increasing the area of its operations, in its beginning largely confined to the eastern end of the Island, the country at large and the principal cities were racked

with political turmoil which grew out of the movement. The different parties charged each other with responsibility for the insurrection, and parties divided into factions. The Union Constitutionalists supported the Spanish Government, and forced the Autonomists into public declaration of a similar attitude. Had this party antagonism raged less furiously, it is certain that there would have been fewer exiles, and self-exiles, and fewer accessions to the insurgent ranks. Many were still so far loyal to Spain that, while desiring reform and demanding autonomy, they had no desire for a complete separation.

This type of lukewarm loyalty became the subject of suspicion and the object of attack. Many were practically driven from the country, and others were virtually forced into participation in the insurrection, because unable longer to halt between two defined opinions, and unwilling longer to confide in Spain's many unfulfilled promises to her Island colony. Some of those who remained were summarily arrested and deported, without trial, to Spanish penal institutions. Such rigorous measures made enemies rather than friends for the government, and resulted in further accessions to the insurgent cause. Large numbers of such accessions came from a more respectable element than that which had originally formed the majority of the *insurrecto* party. The weight of an iron hand might be borne, though with many protests, so long as hope of better things remained. The blow of the iron hand was not to be endured. But the insurrection secured its greatest numerical strength through other causes and as a direct result of its own operations. The idea is attributed to Maximo Gomez. Hopeful or hopeless as he may have been regarding the outcome of active war, he declared that if Spain would not give up Cuba to the Cubans, the Cubans would themselves render

the Island so worthless and desolate a possession that Spain could not afford to hold it. In furtherance of this idea, there was issued the following:

*General Headquarters of the Army of Liberation,*  
NAJAS, CAMAGUEY, July 1, 1895.

*To the Planters and Owners of Cattle Ranches:*

In accord with the great interests of the revolution for the independence of the country and for which we are in arms:

Whereas, all exploitations of any product whatsoever are aids and resources to the Government that we are fighting, it is resolved by the general in chief to issue this general order throughout the Island, that the introduction of articles of commerce, as well as beef and cattle, into the towns occupied by the enemy, is absolutely prohibited. The sugar plantations will stop their labors, and those who shall attempt to grind the crop notwithstanding this order, will have their cane burned and their buildings demolished. The person who, disobeying this order, will try to profit from the present situation of affairs, will show by his conduct little respect for the rights of the revolution of redemption, and therefore shall be considered as an enemy, treated as a traitor, and tried as such in case of his capture.

MAXIMO GOMEZ,  
*The General in Chief.*

Notwithstanding this preliminary warning, many continued their productive operations. This led to a more definite step, expressed in the following terms:

*Headquarters of the Army of Liberation,*  
TERRITORY OF SANCTI SPIRITUS, Nov. 6, 1895.

Animated by the spirit of unchangeable resolution in defence of the rights of the revolution of redemption of this country of colonists, humiliated and despised by Spain, and in harmony with what has been decreed concerning the subject in the circular dated the 1st of July, I have ordered the following:

Article I. That all plantations shall be totally destroyed, their cane and outbuildings burned, and railroad connections destroyed.

Article II. All laborers who shall aid the sugar factories — these sources of supplies that we must deprive the enemy of — shall be considered as traitors to their country.

Article III. All who are caught in the act, or whose violation of Article II shall be proven, shall be shot. Let all chiefs of operations of the army of liberty comply with this order, determined to unfurl triumphantly, even over ruin and ashes, the flag of the Republic of Cuba.

In regard to the manner of waging the war, follow the private instructions that I have already given.

For the sake of the honor of our arms and your well-known courage and patriotism, it is expected that you will strictly comply with the above orders.

M. GOMEZ,

*General in Chief.*

To the chiefs of operations: Circulate this.

Immediately upon the heels of the order, there came the following proclamation:

*Headquarters of the Army of Liberation,*

SANCTI SPIRITUS, Nov. 11, 1895.

*To Honest Men, Victims of the Torch:*

The painful measure made necessary by the revolution of redemption drenched in innocent blood from Hatuey to our own times by cruel and merciless Spain will plunge you in misery. As general in chief of the army of liberation it is my duty to lead it to victory, without permitting myself to be restrained or terrified, by any means necessary to place Cuba in the shortest time in possession of her dearest ideal. I therefore place the responsibility for so great a ruin on those who look on impassively and force us to those extreme measures which they then condemn like dolts and hypocrites that they are. After so many years of supplication, humiliation, contumely, banishment, and death, when this people,

of its own will, has arisen in arms, there remains no other solution but to triumph, it matters not what means are employed to accomplish it.

This people cannot hesitate between the wealth of Spain and the liberty of Cuba. Its greatest crime would be to stain the land with blood without effecting its purposes because of puerile scruples and fears which do not concur with the character of the men who are in the field, challenging the fury of an army which is one of the bravest in the world, but which in this war is without enthusiasm or faith, ill fed and unpaid. The war did not begin February 24; it is about to begin now.

The war had to be organized; it was necessary to calm and lead into the proper channels the revolutionary spirit always exaggerated in the beginning by wild enthusiasm. The struggle ought to begin in obedience to a plan and method more or less studied, as the result of the peculiarities of this war. This has already been done. Let Spain now send her soldiers to rivet the chains of her slaves; the children of this land are in the field, armed with the weapons of liberty. The struggle will be terrible, but success will crown the revolution and efforts of the oppressed.

MAXIMO GOMEZ,  
*General in Chief.*

Such measures are severe, but they are by no means unusual in time of war. The step resulted in the general suppression of Cuban industry, and in widespread devastation. Productive industry was paralyzed and thousands of producers were deprived of employment. Many who doubtless would have remained at work had their work continued, in their idleness and its resultant poverty, joined the ranks of the insurgent army. Upon this feature rests the assertion of our opening chapter, that the successes of the revolution of 1895 were largely due to what may be called artificial conditions. Many who joined the Cuban army did so not so much from particular desire to join it,

or from motives of special patriotism, as because the conditions of the war left them nothing else to do.

That which is known as Oriente, the eastern section of the Island, was the birthplace of the revolt of 1895, as it had been of that of 1868. An interesting feature is offered in the fact that, to-day, many people of the central and western districts date occurrences from the "invasion." Incidents or events are said to have occurred before or after the "invasion." Inasmuch as the Spanish language is prone to accurate definition of shades of meaning, it is interesting to note their use of this word in this connection. If asked what was the "invasion" and who were the "invaders," they reply that it was the westward sweep of the insurgent forces under Gomez and Maceo. The "invaders" were their fellow country-men, and the "invasion" was the march of the army of liberation. A natural inference from this fact is that a large part of the Island was, originally, either in ignorance of the movement, or not in active sympathy with it. But the torch of the destroying *insurrectos* became a beacon light around which many rallied and became "invaders," or it became a brand whose burning drove them into the ranks of the army. It is hardly to be said that the Cuban revolt of 1895 was, in its essence, a great national uprising, although it came to be, as a result of the methods employed upon both sides of the line, a widely popular movement. It had at all times more supporters than participants.

Notwithstanding an enormous reinforcement of his troops, General Campos could make no headway against his opponents. His available force, consisting of regulars from Spain, and of local volunteers, is said to have numbered nearly 200,000 men at the close of 1895. The force opposed to him at any one time cannot with safety be estimated.

The best evidence would seem to indicate that General Gomez was the nominal commander of a regular army and an irregular force whose numbers might have been from 30,000 to 40,000. Figures thus used are, however, somewhat deceptive.

The general situation was not greatly unlike that of the South African war of a few years later. The larger force was a long way from Spain, its base of supplies and reinforcement; it had cities and lines of communication to protect and defend; and it was obliged to carry with it a considerable supply train for field operations at any distance from its central camps. It was also heavily cumbered with a military mechanism which is ill calculated to encounter such a force as that to which it was opposed. The smaller force was at home; it was active, mobile, unhampered by wagon trains; it lived on the country among a people in more or less active sympathy with it; was burdened with no military traditions, and with few military restrictions. It knew the movements of its opponents, and struck or moved away at will. With the issue doubtful, it rarely, if ever, stood for a pitched battle. These conditions develop a war which is to be worn out rather than fought out.

For the first time in Cuba's history, a revolution became national. The spirit of revolt and its activities extended from Cape Antonio on the west to Cape Maisi on the east. Havana was in a state of political ferment. Gomez was busily engaged in his work of rendering the Island a useless and expensive possession which Spain could not afford to maintain or retain. Martial law was proclaimed in the western districts. The City of Havana was the Spanish stronghold in the Island as well as the seat of government. The Spanish residents, the Reformists, and the few Cubans who remained loyal to Spain, were terrified by the presence

of General Gomez, with an insurgent army, within ten miles of the city. They lost confidence in General Campos and demanded his recall. The government at Madrid accepted his resignation, in January, 1896.

The successor of General Campos was Valeriano Weyler, known to the Cubans as "The Butcher." He had served in Cuba, first as Colonel and later as a Brigade Commander, during the Ten Years' War, and his military methods were not forgotten. Soon after his arrival, General Weyler put into effect a system which gave him a world-wide notoriety. He adopted the infamous system of reconcentration which, under his supervision, became a process of direct starvation of the Island people, men, women, and children.

The Cubans themselves really initiated the system of concentration as well as that of destruction. To clear the country in which the insurgents were operating, all Spaniards and Spanish sympathizers were ordered by the Cuban commanders to betake themselves to the cities and larger towns which were occupied by Spanish garrisons. Gomez also sought to force the Cuban people, especially the women and children and men who were incapable of bearing arms, into the recesses of the hills, where they might maintain themselves without danger of attack by or interference from the Spanish troops. Weyler retaliated and introduced a more effective and much less humane system. The original order of reconcentration was issued, Feb. 16, 1896, in the following terms:

"Don Valeriano Weyler y Nicolau, Marquis of Teneriffe, Governor and Captain General of Cuba, General in Chief of the Army, etc., desirous of warning the honest inhabitants of Cuba, and those loyal to the Spanish cause, and in conformity to the laws, does order and command:

Article I. All inhabitants of the district of Sancti Spiritus and

all the provinces of Puerto Principe and Santiago de Cuba will have to concentrate in places which are the headquarters of a division, a brigade, a column, or a troop, and will have to be provided with documentary proof of identity, within eight days of the publication of this proclamation in the municipalities.

Article II. To travel in the country in the radius covered by the columns in operation, it is absolutely indispensable to have a pass from the mayor, military commandants, or chiefs of detachments. Anyone lacking this will be detained and sent to headquarters of divisions or brigades, and thence to Havana, at my disposition, by the first possible means. Even if a pass is exhibited, which is suspected to be not authentic or granted by authority to persons with known sympathy toward the rebellion, or who show favor thereto, rigorous measures will result to those responsible.

Article III. All owners of commercial establishments in the country districts will vacate them, and the chiefs of columns will take such measures as the success of their operations dictates regarding such places which, while useless for the country's wealth, serve the enemy as hiding places in the woods and in the interior.

Article IV. All passes hitherto issued hereby become null and void.

Article V. The military authorities will see to the immediate publication of this order.

VALERIANO WEYLER.

In his message of December, 1897, President McKinley said of this system: "It was not civilized warfare; it was extermination. The only peace it could beget was that of the wilderness and the grave." America was deluged with tales of appalling distress and misery. An appeal was issued for money and supplies for the relief of the suffering and the destitute. A Cuban relief committee was organized. A generous response was made to the appeal, and needed supplies, provisions, and medicines were forwarded

and distributed, largely through the agency of the Red Cross Society.

The Government of the United States carefully weighed the question of a recognition of Cuba's right to independence, and of her right to recognition as a belligerent. In 1875, after seven years of war in Cuba, President Grant decided that the recognition of the independence of Cuba was impracticable and indefensible, and that the recognition of belligerence was not warranted by the facts according to the tests of public law. Following this and other precedents, President McKinley, in his message of December, 1897, regarded such recognition as unwarranted and advisable.

Weyler failed, as had been predicted by Campos, to end the struggle by military operations. He also failed to end it by a policy which was denounced and condemned by the whole civilized world. The Island was a wilderness and a graveyard. The *bohios* of the *pacificos* and the costly villas of wealthy planters alike shared in the general destruction. That which the army of Gomez left standing, the soldiers of Weyler destroyed. Industry was paralyzed. The Island was fast becoming the worthless possession which Gomez threatened to make it.

The assassination of the Spanish Premier, Cánovas del Castillo, led to the organization of a new ministry at Madrid with Praxades Sagasta at its head. This was in the fall of 1897. Weyler was recalled, and Gen. Ramon Blanco, a man of widely different type, was sent out as his successor. One of General Blanco's first acts after his arrival was the issuance of a proclamation which greatly modified the re-concentration order. But the baneful results of the system were beyond palliation by official orders. Permission to return to their homes and their labor was of little use to

those who were too weak to walk, often too weak to move. Blanco's motive was humane, but the work of his predecessor had been only too effectual.

A new political policy was adopted by Spain. By a royal edict of Nov. 25, 1897, Cuba and Porto Rico were granted autonomous government. A decree was issued which established universal suffrage and political equality, and which applied to the islands the electoral laws of Spain. This step was doubtless taken as a result of the pressure brought to bear by the administration of the United States. But it came too late. The Autonomists welcomed it and urged its acceptance. But the revolutionary element had gone too far, had suffered too much, had succeeded too well, for any withdrawal. There was also a qualifying clause, "The supreme government of the Colony shall be exercised by a Governor General." Self-government was only nominal with a Tacon, or a Polavieja, or a Weyler holding the power of veto and the authority of a military chief. But a form of autonomous government was organized. The conditions existing on the Island turned it into little other than a travesty.

During all this time America was busy in Madrid, urging, protesting, and diplomatically threatening. The insurgent government demanded recognition of belligerent rights at the hands of the United States. Though many may have desired it and some may have expected it, it is to be noted that the "government in the woods," as it has been called, *never asked for American intervention*. That came through other channels.

It was, at the time, and still is an open question whether the United States was either wholly wise or entirely justified in refusing to concede the rights of belligerents to the Cubans. In the face of the facts of the situation, it is not to be doubted

that a state of war existed, notwithstanding the claim of Spain that Cuba's rebellion was no more than an insurrection. Under the date of Dec. 7, 1895, in a letter to Richard Olney, then Secretary of State, Señor Estrada Palma submitted the following "as the duly accredited representative" of the Cuban government:

"In the name of the Cuban people in arms who have fought singly and alone against the monarchy of Spain for nearly a year, in the heart of a continent devoted to republican institutions, in the name of justice, in the name of humanity, in the name of liberty, petition you, and through you the government of the United States of America, to accord the rights of belligerency to a people fighting for their absolute independence."

Concurrent reports in the American Congress proposed the granting of those rights, but no definite action was taken. The United States, although filled with expressions of pity and sympathy for the struggling and suffering Cubans, held aloof but gave warning of possible intervention. The American Government remained in what President Cleveland, in his message of December, 1896, called an "expectant attitude."

There can be no doubt that ample ground existed upon which the United States would have been warranted in granting the Cuban petition submitted through Señor Estrada Palma, and endorsed by the American Congress. But the step was deemed "inexpedient," and action was waived. While it is manifestly impossible to say just what would have been the result of such a recognition of the Cubans and their "government in the woods," it is of interest to note that in the report of the Senate Committee on Foreign Relations (Report No 885, Fifty-fifth Congress, Second Session) under date of April 13, 1898, there appears the following: "It is believed that recognition of the bellig-

erency of the insurgents in Cuba, if it had been seasonably, when it was suggested by concurrent resolutions to that effect passed by Congress (January and February, 1896), would have insured the speedy termination of the war without involving the United States in the contest." Whether the attitude of the United States was right or wrong, wise or unwise, it had at least the merit, if it be a merit under such circumstances, of consistency.

## CHAPTER IV

### AMERICA'S PAST ATTITUDE

IT is quite in order at this point to review the question of the right of the United States to intervene in the affairs of Cuba, and the attitude of that country toward the Island in other days.

The legal right of any country to interfere in the domestic affairs of any other country is by no means clearly determined. Pomeroy, in his work on International Law, states (p. 242, *et seq.*): "How far the right of intervention legitimately extends, under what circumstances it may be invoked, to what extent it may be carried, are questions which have given rise to much discussion — questions that have never been authoritatively settled, and perhaps never will be settled." The proffer, through diplomatic channels, of what is known as the "good offices" of a nation, with the object of effecting a cessation of hostilities and the establishment of peace in another nation, is a recognized procedure. This, however, is a very different matter from direct and armed interference. Upon this point, authorities differ regarding the precise line of demarkation between warranted and unwarranted intervention. Justification is recognized for a limited measure of interference for the support of existing treaty relations and for the protection of the person and property rights of foreign residents in countries disturbed by war. This is instanced in the landing of American marines on the isthmus of Panama in November,

1901, and even in the presence of the *Maine* in Havana harbor at the time of her destruction. Such action does not, however, include any right of active participation upon either side of an existing conflict. It is only a protective measure though it may lead to more direct action.

The eminent French statesman, M. Guizot, advanced the opinion that only in the case of extreme need of self-preservation is there justification in international morals for an armed intervention. Wheaton, in his "Elements of International Law," defines the recognition of belligerent rights by saying:

"It is certain that the state of things between the parent state and insurgents must amount in fact to a war in the sense of international law — that is, powers and rights of war must be in actual exercise — otherwise the recognition is falsified, for the recognition is a fact. The tests to determine the question are various.

Among the tests are the existence of a *de facto* political organization of the insurgents, sufficient in character, population, and resources, to constitute it, if left to itself, a State among the nations, reasonably capable of discharging the duties of a State; the actual employment of military forces on each side, acting in accordance with the rules and customs of war, such as the use of flags of truce, cartels, exchange of prisoners, and the treatment of captured insurgents by the parent State as prisoners of war."

Wheaton also says:

"Until the revolution is consummated, whilst the civil war involving a contest for the government continues, other States may remain indifferent spectators of the controversy, still continuing to treat the ancient government as sovereign, and the government *de facto* as a society entitled to the rights of war against its enemy; or may espouse the cause of the party which they believe to have justice on its side. In the first case, the foreign State fulfils all its

obligations under the law of nations; and neither party has any right to complain, provided it maintains an impartial neutrality. In the latter, it becomes, of course, the enemy of the party against whom it declares itself, and the ally of the other; and as the pristine law of nations makes no distinction in this respect between a just and an unjust war, the intervening State becomes entitled to all the rights of war against the opposite party."

Vattel declares it permissible to succor a people oppressed by its sovereign. He says (Book II, Chap. IV, p. 157): "As to those monsters who, under the title of sovereigns, render themselves the scourges and the horror of the human race, they are savage beasts whom every brave man may justly exterminate from the face of the earth." Wheaton, Bluntschli, and Mamiani, all concede the right of other nations to aid an oppressed race.

In his message of April, 1898, Mr. McKinley took a broader and probably more rational ground. He justifies American intervention in Cuba upon the following grounds:

"*First.* In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is therefore none of our business. It is specially our duty, for it is right at our door.

"*Second.* We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection.

"*Third.* The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people, and by the wanton destruction of property and devastation of the Island.

"Fourth, — and which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace, and entails upon this Government an enormous expense. With such a conflict waged for years in an island so near us and with which our people have such trade and business relations, when the lives and liberty of our citizens are in constant danger and their property destroyed and themselves ruined — where our trading vessels are liable to seizure and are seized at our very door by war ships of a foreign nation, the expeditions of filibustering that we are powerless to prevent altogether, and the irritating questions and entanglements thus arising — all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace, and compel us to keep on a semi-war footing with a nation with which we are at peace.

In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the Island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes."

It is of important interest to note, at this point, the fact that this message makes no mention of Cuban independence. Three issues were possible — reform of the Spanish system of government and the establishment of autonomy in the Island; Cuban independence; or annexation to the United States. No one of these was considered. The primary ground of American intervention was the conservation and protection of American interests. The United States had declined to recognize the government established by the insurgents, and had waived definite action upon

their claim to recognition as belligerents. Her services as mediator had been duly tendered to the Government at Madrid, through diplomatic channels.

This attitude on the part of the United States was entirely consistent with the history of her past relations with the Island of Cuba. For nearly a century the United States had realized the possibility of a time when her active interference in Cuban affairs might become a necessity for the defence and protection of American interests, both in the Island and at home. Two features were prominent. One was the ever-recurring possibility that the Island of Cuba might pass under the control of some other power than that of Spain; the other, the importance of Cuba in its various relations to the United States.

Yet the existence of European colonies on this side of the Atlantic was a fact which could never be ignored. In 1803, Louisiana, which had passed from Spanish into French possession, was purchased from France. [In 1808, Thomas Jefferson deprecated the transfer of Cuba from Spanish possession to that of any other country. A year later, he considered the possibility of American acquisition of Cuba.] For many years, England's possible acquisition of territory in the West Indies was an active feature in American diplomatic relations. [The Monroe Doctrine was anticipated by President Madison's message to Congress on Jan. 3, 1811, in which he said that "the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign power."]

It was the question of Cuba's future which led, almost directly, to the enunciation of that Monroe Doctrine of 1823, which, though an unwritten law, has stood and still

stands as the dominant force in America's attitude toward her tropical and sub-tropical neighbors. The earlier half of the last century is notably replete with diplomatic negotiation and with expression of America's attitude toward her Island neighbor. At the time of the effecting of the Spanish-American treaty of 1795, Spain sought to draw the United States, with France, then in possession of Louisiana, into a compact guaranteeing to Spain her continued possession of her West Indian colonies. This was declined upon the ground that the United States desired to avoid the entanglement of its peace and prosperity in the toils of European politics. The Latin-American disturbances of the Monroe period elicited an enunciation of the views held at that time. President Monroe's attitude is expressed in that "Doctrine" which bears his name. On April 23, 1823, John Quincy Adams, then Secretary of State, wrote to Mr. Nelson, Minister to Spain:

"These islands (Cuba and Porto Rico), from their local position, are natural appendages to the North American continent, and one of them, Cuba, almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our southern coast and the Island of St. Domingo; its safe and capacious harbor of Havana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial — give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that Island and this

country, the geographical, commercial, moral, and political relations, formed by nature, gathering, in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events, for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself." ]

[ In the same year, Thomas Jefferson wrote:

"I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this Island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, would fill up the measure of our political well-being. Her addition to our confederacy is exactly what is wanting to advance our power as a nation to the point of its utmost interest." ]

[ As Secretary of State, Henry Clay wrote, in 1825:

"If the war should continue between Spain and the new republics (of South America), and those islands (Cuba and Porto Rico) should become the object and theatre of it, their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations the performance of which, however painful it should be, they might not be at liberty to decline." ]

[ In 1829, Mr. Van Buren, as Secretary of State, wrote to Mr. Van Ness, the American Minister to Spain:

"The Government of the United States has always looked with the deepest interest upon the fate of those islands, but particularly of Cuba. Its geographical position, which places it almost in sight of our southern shores, and, as it were, gives it the command of the Gulf of Mexico and the West India seas, its safe and capacious

harbors, its rich productions, the exchange of which, for our surplus agricultural products and manufactures, constitutes it one of the most extensive and valuable branches of our foreign trade, render it of the utmost importance to the United States that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter.]

[In 1837, Mr. Stevenson, the American Minister to England, reported an interview with Lord Palmerston,] in the following terms:

"I proceeded to give a brief explanation of the geographical relation of these islands (Cuba and Porto Rico) to the United States, and the consequences that would be likely to follow their separation from the dominion of Spain. [That the possession of Cuba by a great maritime power would be little else than the establishment of a fortress at the mouth of the Mississippi, commanding both the Gulf of Mexico and Florida, and, consequently, the whole trade of the Western States, besides deeply affecting the interests and tranquillity of the southern portion of the Union. That, under such circumstances, it was not to be expected that the United States could remain indifferent to the destiny of Cuba, or its separation from Spain. . . . I felt justified in saying frankly to his lordship that it was impossible that the United States should acquiesce in the transfer of Cuba from the dominion of Spain to any of the great maritime powers of Europe; that of the right of the United States to interfere in relation to these islands, I presumed there could be little doubt; that whilst the general rule of international law which forbids the interference of one State in the affairs of another was fully admitted, there were yet exceptions to the rule, in relation to the laws of defence and self-preservation, which all nations acknowledged, and that the present was precisely such a case."

[In 1840, Secretary of State Forysth wrote to Mr. Vail, representing the United States in Madrid:

"The United States have long looked with no slight degree of

solicitude to the political condition of the Island of Cuba. Its proximity to our shores, the extent of its commerce with us, and the similarity of its domestic institutions with those prevailing in portions of our own country, combine to forbid that we should look with indifference upon any occurrences connected with the fate of that Island. . . . Should you have any reason to suspect any design on the part of Spain to transfer voluntarily her title to the Island, whether of ownership or possession, and whether permanent or temporary, to Great Britain or any other power, you will distinctly state that the United States will prevent it at all hazards, as they will any foreign military occupation for any pretext whatever.]

Upon the basis of prevalent rumors that British influences were at work to convert Cuba into a "black military republic" under British protection, [Daniel Webster, as Secretary of State, wrote to Mr. Robert B. Campbell, United States Consul at Havana, under date of Jan. 14, 1843:

"The Spanish Government has long been in possession of the policy and wishes of this Government in regard to Cuba, which have never changed, and has been repeatedly told that the United States never would permit the occupation of that Island by British agents or forces upon any pretext whatsoever; and that in the event of any attempt to wrest it from her, she might securely rely upon the whole naval and military resources of this country, to aid her in preserving or recovering it."]

[On June 17, 1848, James Buchanan, Secretary of State, wrote to Mr. R. M. Saunders, the American representative at Madrid,] a letter of considerable length and of similar tenor to the foregoing. The following extracts are of special pertinence:

"In the possession of Great Britain, or any strong naval power, it (Cuba) might prove ruinous both to our domestic and foreign commerce, and even endanger the Union of the States. The

highest and first duty of every independent nation is to provide for its own safety; and, acting upon this principle, we should be compelled to resist the acquisition of Cuba by any powerful maritime State, with all the means which Providence has placed at our command."

"If Cuba were annexed to the United States, we should not only feel relieved from the apprehensions which we can never cease to feel for our own safety and the security of our commerce, whilst it shall remain in its present condition, but human foresight cannot anticipate the beneficial consequences which would result to every portion of our Union." "Under the Government of the United States, Cuba would become the richest and most fertile island, of the same extent, throughout the world." "Desirable, however, as the possession of this Island may be to the United States, we could not acquire it except by the free will of Spain. Any acquisition not sanctioned by justice and honor, would be too dearly purchased."

[In a letter dated Dec. 1, 1852, Edward Everett, Secretary of State, wrote to the Comte de Sartiges, officially:

"The opinions of American statesmen, at different times, and under varying circumstances, have differed as to the desirableness of the acquisition of Cuba by the United States. Territorially and commercially it would, in our hands, be an extremely valuable possession. Under certain contingencies it might be almost essential to our safety. Still, for domestic reasons, on which, in a communication of this kind, it might not be proper to dwell, the President thinks that the incorporation of the Island into the Union at the present time, although effected with the consent of Spain, would be a hazardous measure; and he would consider its acquisition by force, except in a just war with Spain (should an event so greatly to be deprecated take place), as a disgrace to the civilization of the age."

In 1854, strained relations between the United States and Spain grew out of the detention of the American steamer *Black Warrior* in the harbor of Havana, and the search

of several American vessels by Spanish cruisers. This incident was perhaps the immediate cause of that which is historically known as [the Ostend Manifesto.] This incident is reported as follows, in Lawrence's Wheaton:

"In the summer of 1854 a conference was held by the ministers of the United States accredited at London, Paris, and Madrid, with a view to consult on the negotiations which it might be advisable to carry on simultaneously at these several courts for the satisfactory adjustment with Spain of the affairs connected with Cuba. The joint despatch of Messrs. Buchanan, Mason, and Soule to the Secretary of State, dated Aix-la-Chapelle, Oct. 18, 1854, after remarking that the United States had never acquired a foot of territory, not even after a successful war with Mexico, except by purchase or by the voluntary application of the people, as in the case of Texas, thus proceeds: [Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our self-respect. While pursuing this course, we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question — Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home. Under such circumstances, we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the Island would justify such a measure.]

[In 1859, the Committee on Foreign Relations of the United States Senate took favorable action upon a bill whose purpose was "To facilitate the acquisition of the Island of Cuba." The bill contained the following expression:

"The ultimate acquisition of Cuba may be considered a fixed purpose of the United States — a purpose resulting from political and geographical necessities, which have been recognized by all parties and all administrations, and in regard to which the popular will has been expressed with a unanimity unsurpassed on any question of national policy that has heretofore engaged the public mind."

[When President Grant wrote his annual message in 1875, a Cuban insurrection had lasted for seven years.] The revolt led to many complications and a vast amount of diplomatic correspondence and attempted negotiation. In that message, General Grant called attention to the situation in Cuba, and said:

[The absence of any reasonable assurance of a near termination of the conflict must, of necessity, soon compel the States thus suffering to consider what the interests of their own people and their duty toward themselves may demand. . . . A recognition of the independence of Cuba being, in my judgment, impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest. . . . Considered as a question of expediency, I regard the accordance of belligerent rights still to be unwise and premature at present, indefensible as a measure of right. . . . Had it been the desire of the United States to interfere in the affairs of Cuba, repeated opportunities for so doing have been presented within the last few years; but we have remained passive and have performed our whole duty and all international obligations to Spain with friendship, fairness, and fidelity, and with a spirit of patience and forbearance which

negatives every possible suggestion of desire to interfere or to add to the difficulties with which she has been surrounded.]

[In January, 1896, the Senate Committee on Foreign Relations submitted majority and minority reports with reference to the war in Cuba. The majority report, in which the House concurred, proposed the tender of the friendly offices of the United States to request Spain to accord belligerent rights to her Cuban opponents. The minority report proposed that the President interpose his friendly offices with the Spanish Government for the recognition of the independence of Cuba. On February 5, a substitute was reported in the place of this majority report. It proposed that the United States should accord to Cuba, as well as to Spain, the rights of belligerents.] In this the House also concurred. During March, a communication, of undoubted authenticity, was transmitted to Secretary of State Olney, by T. Estrada Palma, then the agent in this country for the Republic of Cuba. This document carried the following heading:

*Republic of Cuba, Executive Headquarters,  
CUBITAS MOUNTAIN, Feb. 1, 1896.*

It was addressed

*To the American People:*

It announced the firm establishment of an organized government and asked from the United States the recognition of belligerent rights.

[In his message of December, 1896, President Cleveland, among much else regarding Cuba, said:

"I have deemed it not amiss to remind the Congress that a time may well arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens,

joined by considerations of humanity and a desire to see a rich and fertile country intimately related to us saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved, and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace."]

[The platform of the Republican party, adopted at St. Louis, on June 18, 1896, contains the following declaration:

"The Government of Spain having lost control of Cuba, and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the Island."]

[Within two years there were referred to the Committee on Foreign Relations the following Senate resolutions:

Joint Resolution No. 2, authorizing and requesting the President to issue a proclamation recognizing the independence of the Republic of Cuba.

Senate Resolution No. 40, instructing the Committee on Foreign Relations to inquire what obligations the United States have assumed toward the people of Cuba by refusing to allow the Island to pass into other hands than those of Spain.

Senate Resolution No. 185, declaring the sense of the Senate that Congress should duly and promptly recognize the independence of the Republic of Cuba.

Joint Resolution No. 133, recognizing Cuban independence and declaring war against Spain.

Joint Resolution No. 134, recognizing Cuban independence and providing for intervention by the United States.

Joint Resolution No. 135, directing and empowering the

President, in his discretion, to intervene for the termination of hostilities and the establishment of Cuban independence.

Joint Resolution No. 142, for the recognition of the independence of the Republic of Cuba.

Joint Resolution No. 145, authorizing the President to take such steps as are necessary to put an end to hostilities in Cuba and to establish a republican form of government.]

These formed the subject of frequent and prolonged debate, but no definite action was taken upon any of them.

[In his message of December, 1897, President McKinley said:

"Of the untried measures (regarding Cuba) there remain only: Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants, and intervention in favor of one or the other party. I speak not of forcible annexation, for that cannot be thought of.] That, by our code of morality, would be criminal aggression."]

These extracts form only a small fraction of the mass of correspondence, reports, and other utterances dealing with the subject of Cuba during the past century. The diplomatic negotiations at different times within that period, called out by special incidents, form volumes in themselves.

[The trend of all our relations with Spain for a hundred years, notwithstanding frequent provocation and proposal to act otherwise, was toward non-interference with her affairs in Cuba except in the case of some dire emergency.] The beginning of 1898 showed that unless a change came speedily, American intervention would become little short of imperative.

Recognition of the Cubans as belligerents, by the United States, would have effected a radical change in the whole

situation. It would have given the Cubans equal rights and privileges in the American market for arms and supplies, and the same privileges in American ports and upon the high seas, as those possessed by Spain. Naturally, it would have strengthened greatly the position of the insurgents, and that in itself would, in all probability, have been regarded by the Spanish Government as an unfriendly act. Yet, under all established laws and precedents, the claim to belligerency and the recognition of belligerent rights rest upon the establishment of certain facts. Granting the existence of certain definite conditions, the claim is warranted and the recognition justified if not actually demanded. Those conditions did exist in Cuba at this time. The American refusal to recognize those conditions and to act in accordance with the facts, turned not upon the recognized law governing such cases, but upon a question of domestic politics and expediency. The arguments advanced by the American authorities in support of their position were answered and refuted, categorically, in an able reply submitted by Horatio S. Rubens, Esq., the counsel of the Cuban Junta in New York. This reply has received legal recognition, and is to be found as a document of reference in law libraries, including that of the Bar Association of New York. A review of the proceedings of the period clearly indicates that, had it suited the purposes of the United States, very much the same arguments would have been used to support a recognition of Cuban belligerent rights as those which were used to support denial of those rights.

## CHAPTER V

### THE YEAR OF THE WAR

I do not deem it important to this work to review the story of the ill-fated *Maine*, or to analyze the influence of that disaster upon the events which followed. All is still fresh in the public mind, and full details, too long for inclusion here, are readily obtainable through other channels. The sympathies of the American people had long been extended to the people of Cuba. Some feeling of animosity toward Spain, who was regarded as the oppressor of our Island neighbor, was inevitable. This was only accentuated by the disaster to an American ship of war, whose destruction was generally charged to Spaniards if not to Spain. The wrecked vessel still lies (1904) in the mud and slime of the harbor of Havana, and the years have revealed no new facts regarding the cause of her destruction.

Although a goodly number of the American people have withheld their judgment upon so important a question until some more conclusive proof of Spanish action in the matter might be made available, there is no doubt that popular sentiment was expressed in that report of the Committee on Foreign Relations which concludes with the terms of the Joint Resolution of April 20, 1898. That report says:

"The event in itself, though in a certain sense a distinct occurrence, was linked with a series of precedent transactions which

cannot in reason be disconnected from it. It was the catastrophe of a unity of events extending over more than three years of momentous history. . . . Considered, as it must be, with the events with which reason and common sense must connect it, and with animus by Spain so plainly apparent that no one can even plausibly deny its existence, it is merely one reason for the conclusion to which the investigating mind must come in considering the entire subject of the relations of the United States with that government. . . . It is the opinion of your committee, having considered the testimony submitted to the board of inquiry, in connection with further testimony taken by the committee and with the relevant and established facts presented by the events of the last three years, that the destruction of the *Maine* was compassed either by the official acts of the Spanish authorities, or was made possible by a negligence on their part so willing and gross as to be equivalent in culpability to positive criminal action."

Be the facts what they may, this was unquestionably the attitude and the sentiment of a great mass of the American people during the weeks which succeeded the explosion in the harbor of Havana. A sensational press, and equally sensational members of Congress, clamored for immediate war. This sentiment was resisted by President McKinley with all the force of his high position. Washington and Madrid were engaged in an active diplomatic correspondence, and there is now no doubt that Spain was disposed to yield the ground upon which she had stood for so long a time. President McKinley sought to secure an armistice during which terms of honorable peace might be effected.

A conference at the White House resulted in the submission, on March 27, of the following demand upon Spain:

(a) An armistice until October 1, during which negotiations looking toward a permanent peace should be undertaken.

- (b) The immediate revocation of the order of reconcentration, and relief measures for those in the camps.
- (c) If possible, if terms of peace not satisfactorily settled by October 1, the President of the United States to be the final arbiter between Spain and the insurgents.

These terms were cabled to Hon. Stewart L. Woodford, then American Minister to Spain, for submission to the Spanish authorities. It is of interest and importance to note that this communication contained no reference to Cuban independence. Nor does it appear that at any time during the negotiations of that period, the United States officially demanded from Spain the independence of Cuba. The statement of the Joint Resolution, that "Cuba is and of right ought to be free and independent" is the assertion of a fact, and not an official demand that Spain establish the fact.

To the American proposition of March 27, Spain submitted a counter-proposition, as follows, on March 31:

- (a) Arbitration concerning the *Maine*.
  - (b) Revocation of the order of reconcentration, and permission to the United States to relieve the needs of the sufferers.
  - (c) Preparation for honorable and stable peace through the insular parliament, "it being understood that the powers reserved by the constitution to the central government are not lessened and diminished."
  - (d) No truce until after the meeting of the Cuban Chambers on May 4.
- These proposals were unacceptable to the authorities in Washington. On April 9, General Woodford cabled to Mr. Day, Secretary of State, that at the request of the Pope and six of the leading nations of Europe, an armistice had been proclaimed in Cuba. On the tenth, the administra-

tion received a communication from the Spanish Minister which was virtually a reply to the American proposals of March 27. In brief, the reply was as follows:

- (a) Armistice proclaimed, and in fixing the terms of it the general-in-chief is disposed to concede all possible facilities.
- (b) Decree of reconcentration repealed, and aid of all kinds granted and permitted to be given to the reconcentrados.
- (c) The responsibility for the destruction of the *Maine* to be submitted to the decision of impartial and disinterested experts, Spain agreeing to be bound by their decision.
- (d) The same full and generous measure of self-government to be accorded Cuba as Canada enjoys.

On April 11, President McKinley submitted his historic message to Congress. In it he refers to the communication of March 27, and to the unsatisfactory reply received on March 31. At the close of the message, he alludes briefly to the later communication from Spain, that of April 10, in a few lines added to the document just before its submission. It has been charged that the Spanish communication was suppressed. No foundation appears for such a charge. It is, however, a fact that little or no attention was paid to the concessions then made by Spain, although in the judgment of many, they have been deemed a sufficient basis for an avoidance of the war which followed. As a matter of fact, the American authorities had already decided for war. In the tense excitement of the time, the force of the Spanish concessions was overlooked and disregarded. Spain did not agree to grant Cuban independence, it is true, but the United States had made no demand that she grant such independence. The communication of March 27 was manifestly in the nature of an ultimatum. Spain's

reply of April 10 not only accepted the terms of that communication, but declared as well that the conditions therein demanded had actually been complied with.

This fact received no public attention until it appeared, some four years later, as a side issue in a somewhat foolish controversy concerning the respective attitudes of various foreign powers toward the United States during the critical days of the spring of 1898. During the month of February, 1902, wide publicity, in both Europe and the United States, was given to the proceedings of a meeting of the foreign ambassadors in Washington, on April 14, 1898. The result of that meeting was the submission by those officials, to their home governments, of an expression of their opinion that, in view of the American demand upon Spain of March 27, and Spain's reply of April 9, the immediate cause for war had been removed. That was also the view of some of the cooler heads in Washington to whom the facts were fully known. Various reasons are assigned for the disregard of the Spanish communication. Among them are statements that the Cuban representatives refused to consider the declared armistice and that it was thus made of no effect. It is also said that there was doubt of Spain's good faith; that her action was only an effort to gain time. The rainy season was coming on, and Spain hoped that another six months would wear out the Cubans and terminate the struggle. At all events, the Spanish note of concession, Blanco's proclaimed armistice, the full revocation of the reconcentration order, the nominal establishment of an autonomous government, and the declaration that Spain had appropriated \$600,000 for the relief of the suffering in Cuba, had no influence upon American action.

The foregoing appear in the form of excuses rather than as valid reasons. Doubt of the good faith of Spain was

utterly without justification. If she was not worthy of trust, there should have been no proposals to her. The proposals having been made, there was no excuse for a doubt of her good faith. The Cuban attitude had no proper place in the immediate question. Essaying the establishment of peace between contestants, the United States had secured the acquiescence of one of the parties. Manifestly, the succeeding and logical step was the acquiescence of the other. Should that prove impossible of attainment, an issue lay between the peace-maker and the intractable contestant, before war could be justly declared against the consenting party.

The attitude of President McKinley at this time has been endorsed by his friends, and condemned by his opponents. For many weeks he had stood, apparently immovable, opposed to war, and striving for a determination of the problem along the lines of peace. At this critical juncture he yielded, perhaps in conviction that war was inevitable, perhaps in response to a popular clamor. The pro-peace element has criticised his disregard of Spain's yielding attitude and action. Others have asserted his full justification. His message of April 10 was distinctly a pro-war argument. It had been carefully considered and thoughtfully worded. It had been submitted to his Cabinet some days before its submission to Congress, and had been approved by some and disapproved by others in that body. By it all responsibility for war or for peace was transferred to the American Congress. If is useless to consider or speculate upon what might have happened had President McKinley seized the opportunity which many, among them the foreign ambassadors in Washington, believed to have been presented by Spain's concessions, and maintained a persistent stand for a peaceful settlement. Minister Wood-

ford, in Madrid, confidently asserted his belief in a satisfactory termination. Spain was in a yielding mood, and appeared to be disposed, if tactfully handled, to effect an amicable and fairly satisfactory settlement of the Cuban problem. With the matter in the hands of Congress, the issue was no longer doubtful.

The President's message reviewed the Cuban situation and the earlier attitude of the United States toward Cuba. It declared that forcible intervention was justifiable, and stated the ground upon which such intervention might rest. Its essential terms are quoted in the preceding chapter.

The message provided for no recognition of Cuban independence. On the contrary, it declared the inexpediency of such recognition.

[REDACTED]

"Nor from the standpoint of expediency do I think it would be wise or prudent for this Government to recognize at the present time the independence of the so-called Cuban Republic. Such recognition is not necessary in order to enable the United States to intervene and pacify the Island. To commit this country now to the recognition of any particular government in Cuba might subject us to embarrassing conditions of international obligation toward the organization so recognized. In case of intervention our conduct would be subject to the approval or disapproval of such government. We would be required to submit to its direction and to assume to it the mere relation of a friendly ally.

[ "When it shall appear hereafter that there is within the Island a government capable of performing the duties and discharging the functions of a separate nation, and having, as a matter of fact, the proper forms and attributes of nationality, such government can be promptly and readily recognized and the relations and interests of the United States with such nation adjusted." ]

Excepting its brief reference to the Spanish communication of April 9, added subsequently to the preparation of

its main body, the message concludes with those vibrant words which came as fuel to the fire of popular enthusiasm for American intervention and for war with Spain.

"The long trial has proved that the object for which Spain has waged the war cannot be attained. The fire of insurrection may flame or may smoulder with varying seasons, but it has not been and it is plain it cannot be extinguished by present methods. The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop."

"In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the Island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes."

"And in the interest of humanity and to aid in preserving the lives of the starving people of the Island I recommend that the distribution of food and supplies be continued, and that an appropriation be made out of the public treasury to supplement the charity of our citizens."

"The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition of affairs which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action."

Though this was not a declaration of war, it is not to be doubted that it made war inevitable. A notable portion of the press was in a state of hysteria. The people were

indignant and impatient. The temper of Congress was warlike. Against all this, Mr. McKinley had stood immovable until this time. Whether Mr. McKinley was right or wrong, wise or unwise, in thus yielding to what some have regarded as a hysterical clamor, remains for determination by the impartial historians of a later day and generation. The die was cast. Congress declared for war and the people voiced their approval.

[On April 16, the following resolutions were adopted by the United States Senate:

*"First.* That the people of the Island of Cuba are and of right ought to be free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful Government of that Island.

*"Second.* That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

*"Third.* That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect."

This bill was passed to the House for its consideration. [On motion of Mr. Dingley, of Maine, and after careful debate, that body decided to strike out the clause of recognition of the Cuban Republic contained in Article I. In this, the House insisting, the Senate finally concurred, and the now famous Joint Resolution of April 20, 1898, became operative. By subsequent action, there was attached to this bill the equally famous Teller Amendment, as follows:

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people." ]

The passage of the Joint Resolution was tantamount to a declaration of the war which followed. It is not my purpose to rehearse the story of the fighting. Spain's naval squadrons were destroyed at Manila, on May 1, 1898, and at Santiago on July 3. After active fighting in its vicinity, articles of capitulation were signed at Santiago, on July 16. American troops entered the city of Manila on August 13, and the almost bloodless campaign in Porto Rico was brought to an end by the signing of the protocol. The war was over and Spain was beaten. There remained the adjustment of the terms and conditions of peace.

Under date of July 22, 1898, the Spanish Minister of State, Duc d'Almodovar del Rio, forwarded a communication to the President of the United States, through Mr. Jules Cambon, the French Ambassador in Washington. After a brief review of the causes and the conditions of the war, the letter states:

"To end calamities already so great and to avert evils still greater, our countries might mutually endeavor to find conditions upon which the present struggle might be terminated otherwise than by force of arms. . . . And so do we wish to learn from the President of the United States the basis upon which there might be established a political status in Cuba, and an ending be made to the unreasonable continuance of a strife which might be terminated by the agreement of both Governments upon terms for the pacification of the Island."

This was answered by President McKinley, under date

of July 30, reviewing the situation from the American stand-point, and stating terms upon which the United States would enter upon negotiations for peace. These were:

*"First.* The relinquishment by Spain of all claim of sovereignty over or title to Cuba, and her immediate evacuation of the Island.

*"Second.* The President, desirous of exhibiting signal generosity, will not put forward any demand for pecuniary indemnity. Nevertheless he cannot be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons or their property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the Island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrone, to be selected by the United States.

*"Third.* On similar grounds, the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines."

These very positively stated terms were cabled to Spain, and were answered, on August 7, by a message of apparently unwilling acceptance of terms whose inflexibility was recognized. America's superior force was conceded, and Spain bowed to the inevitable. Something of vagueness appearing in the statement of the terms and in the Spanish understanding of them, Secretary Day, in a letter to M. Cambon, dated August 10, proposed a protocol, a draft of which he submitted, stating the terms of agreement, and providing for the appointment of commissioners to arrange the details of evacuation, and also for the appointment of commissioners to arrange the treaty of peace. The terms of the protocol were as follows:

**Article I.** Spain will relinquish all claim of sovereignty over or title to Cuba.

**Article II.** Spain will cede to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones, to be selected by the United States.

**Article III.** The United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

**Article IV.** Spain will immediately evacuate Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies; and to this end each government will, within ten days after the signing of this protocol, appoint commissioners, and the commissioners so appointed shall, within thirty days after signing of this protocol, meet at Havana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands. (The same provision also made regarding Porto Rico.)

**Article V.** The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than Oct. 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

**Article VI.** Upon the conclusion and signing of this protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each government to the commanders of its military and naval forces.

This was signed on August 12 by William R. Day, Secre-

tary of State of the United States, and by Jules Cambon, the French Ambassador, who was authorized by Spain to sign on her account. Orders were immediately issued for the suspension of hostilities at all points. The commission assigned to Havana for conference with Spanish commissioners regarding evacuation of the Island of Cuba, consisted of the following: Major General Wade, U. S. A., Admiral Sampson, U. S. N., and Major General Butler, U. S. V. These gentlemen proceeded to the field of their operations and effected the arrangements which were finally concluded by the withdrawal of the last of the Spanish troops in the month of February of the following year. The Spanish Commissioners were General of Division Gonzales Parrada, Rear Admiral Pastor Y Landero, and Marquis de Montoro.

By the victory at Santiago, the American forces became an army of occupation, by conquest, in the eastern province of Cuba. The protocol of August 12 established the United States as the supreme authority in that district, pending the final adjustment of the entire question at issue by the peace commission for which provision was made in Article V of that instrument. Gen. Henry W. Lawton was made commander-in-chief and military governor of the province. He was succeeded by Gen. Leonard Wood on September 24. By an order of the President, issued July 13, the municipal laws of the Island were continued in force so far as they were adjustable to the new conditions.

The first important step, under the American authority established by the protocol, was a regulation of the customs tariff for the ports of the Santiago district. A later act, under the authority of General Wood, was the promulgation of a Bill of Rights. This appeared to be a most important step and was highly gratifying to the American

people who regard the privileges secured by and under it as fundamental and sacred. As a matter of fact, it was quite superfluous. The Spanish Monarchical Constitution, extended to the island of Cuba by royal decree in April, 1881, includes practically all of the privileges and guarantees of the Bill of Rights then promulgated, even the right of *habeas corpus*. The continuance of existing laws, by the presidential order of July 13, gave force and effect to these constitutional rights, and rendered the American Bill of Rights a needless institution. The step was taken upon an assumption, based in ignorance of the facts, that Spanish laws were bad because Spanish legal procedure had been corrupt and inefficient.

Municipal reconstruction and sanitation were given immediate attention. Military authority was established in the various municipalities, and American energy essayed the task of bringing order out of the chaos which was the inevitable result of prolonged warfare. As the commanding officer, General Wood has been accorded the credit for the work of reform. Without any minimizing of the credit which really belongs to that officer, a due amount of praise should be given to those who, as district commanders, served under him and who did in their various districts that which he did in Santiago. Much is due to the highly intelligent and efficient work of such men as Hood and Pettit and Ray and others, and to men of lower rank in the line, to say nothing of the work of the staff.

In view of the fact of the subsequent development of an active controversy in which General Wood's work in Cuba was made a subject of somewhat severe criticism, it is pertinent here to refer to one of the principal features upon which General Wood's reputation as a successful administrator originally rested. Current report credited him with the

installation of a system of sewerage in the City of Santiago, by which that place was transformed from a centre of reeking pestilence into a veritable health resort. It is true that a system of sewer pipes was laid. But, up to the time when this is written, no use has been made of those pipes. A sewer system involves a water system. Without abundant water to flush them, sewer pipes are more of a menace than a benefit if opened to house connection. The water system of the city, installed by the Spaniards in earlier days, was a trivial affair, and utterly inadequate for sewerage purposes. For more than six years after his departure from Santiago, General Wood's famous sewer system remained a system of useless pipes, from lack of a water supply which would have made them effective.

On September 13, the President issued commissions to the following gentlemen as the American Plenipotentiaries "to negotiate and conclude a treaty of peace between the United States and Spain, empowering them jointly and severally to meet the commissioners appointed or to be appointed under said protocol on behalf of Spain, and with them to negotiate and sign a treaty of peace between the United States and Spain, subject to the ratification of their government." The members of the commission were William R. Day, formerly Secretary of State; Whitelaw Reid, of New York; and United States Senators Cushman K. Davis, of Minnesota, William P. Frye, of Maine, and George Gray, of Delaware. John Bassett Moore, of New York, was appointed as Secretary and Counsel to the Commission. The Spanish Commission consisted of Don Eugenio Montero Rios, Don Buenaventura Abarzuza, Don José de Garnica Y Diaz, Don Wenceslao Ramirez de Villa-Urrutia, and Don Rafael Cerero Y Saenz.

The Commissions met in Paris on October 1, and re-

mained in session until the signing of the treaty on December 10. The discussion included many points of great importance, and involved many minor issues which arose as incidents in the main discussion. One of the questions raised in the early days of the conference was in regard to the technical meaning of the word "relinquish" as used in Article I of the protocol. This was held to affect the future of the Island. Word splitting is a frequent and a favorite practice with Spanish officials, and the point was raised that if Spain "relinquished" Cuba she thereby transferred her rights and powers in the Island to the United States, to be held in trust for transference at the proper time to the Cuban people. On the other hand, if the term was used in the sense that her withdrawal from Cuba implied an abandonment by which the Island became a political derelict and a possible prey to the first comer who might seize and hold it, Spain's consent to such an arrangement could not be granted. The issue was determined by the American assurance that the relinquishment involved a temporary American trusteeship of the Cuban Government along the line of the declaration of the Joint Resolution.

Another and a far more important issue concerned the matter of the so-called Cuban debt. This involved a sum of several hundred million dollars, the larger part of which represented obligations incurred by Spain in the course of her efforts to suppress Cuban insurrections. These obligations Spain charged to the insular account, and the interest upon them was paid out of the insular revenues. The contention of the Spanish Commissioners was that the cession and relinquishment of sovereignty included the cession and relinquishment of its obligations as well as the rights pertaining to it. The American Commissioners denied that the so-called Cuban debt constituted a valid

obligation." They said that "To the American Commissioners this appears to be not a proposition to 'relinquish all claim of sovereignty over and title to Cuba,' but in effect a proposition to 'transfer' to the United States and in turn to Cuba a mass of charges and obligations which, in the opinion of the American Commissioners, properly belonged to Spain." Their point was more definitely stated in the Annex to Protocol No. 5. "From no point of view can the debts above described be considered as local debts of Cuba, or as debts incurred for the benefit of Cuba. They are debts created by the Government of Spain, for its own purposes and through its own agents, in whose creation Cuba had no voice."

While the discussion of this issue was in progress [Commissioner Day sent the following cablegram to President McKinley:

"At conference yesterday we again informed Spanish Commissioners that United States would not subdivide so-called Cuban debt. Spanish Commissioners then intimated they were willing to meet American Commissioners as to relinquishment of sovereignty over Cuba, if some responsibility for such debt was acknowledged. We insisted upon our position and finally asked whether they would refuse to sign any articles unless such acknowledgment was made. To this question the Spanish Commissioners asked time for reply. [Would you approve an article in treaty which should provide that the United States, while not contracting any independent liability of its own, would use its good offices with any people or government possessing sovereignty in Cuba for acknowledgment of any debts incurred by Spain for existing internal improvements of a pacific character in the islands, a mixed commission to be appointed to ascertain whether any such debts exist, and if so, their amount?] This would be a precedent for Porto Rico, Guam, and Philippine Islands. Commission may feel inclined to make this concession on strength of precedents and state-

ments of publicists as to passing of local debts or debts incurred specially for benefits of transferred territory."

[To this Secretary Hay sent answer:

"Answering your No. 15, the President directs me to say that under no circumstances will the Government of the United States assume any part of what is known as the Cuban debt, which is fully described in the memorandum of the American Commissioners marked "E" received this morning, nor would the United States engage to use its good offices to induce any government hereafter to be established in Cuba to assume such debt.] It is not believed that there are any debts outstanding incurred by Spain for existing improvements of a pacific character. It should be made clear what is meant by such improvements and what is included. The President regards it as most desirable that in the present negotiations you should adhere strictly to the terms of the protocol. If this proves impossible you will ascertain as definitely as you can the exact meaning of their suggestions as to local Cuban debt and the evidences thereof, and report to the President with your recommendations."

While these were the essential features of the discussion, so far as Cuba was concerned, all minor issues were duly considered. [The treaty was signed by the commissioners on Dec. 10, 1898; signed by the President and ratified by the Senate, on Feb. 6, 1899; signed by the Queen Regent on March 19, and proclaimed on April 11.] The Spanish-American war, in its direct operations, definitely terminated on the anniversary of the issuance of President McKinley's war message.

## CHAPTER VI

### CONDITIONS ON JAN. 1, 1899

AMERICAN authority was established in the eastern end of the Island in July, 1898. During the closing months of the year, much was accomplished in the way of reconstruction and establishment along special lines. Two forces contributed to this end. The influence of one of these has been emphasized in official and newspaper reports, with an undue minimizing or ignoring of the other which was quite as potent and equally important. The distribution of American troops throughout the district did much for the restoration of law and order. The personal advice and aid of local commanders were of vast importance in the adjustment of the chaotic conditions which prevailed. Too much cannot be said in commendation of the individual efforts of officers of the American army. Too little has been said regarding the contributory work of the Cubans themselves. As it became possible for them to do so, these people returned to the site of their former homes, and, as best they could, took up the round of quiet and peaceful life. Thousands of them were utterly destitute, without a roof to cover them; without food to eat; and without cattle or farming tools with which to produce the necessary sustenance for themselves and their families.

The American people were greatly interested in knowing what was being done by their representatives. They were little or not at all interested in what the Cubans were

doing for themselves. This neglect of the Cuban end of the question did much to establish an opinion that the Cubans did nothing, and were incapable of doing anything, in their own behalf. For a time, the distribution of food supplies was imperative, and this was done with a liberal hand. Paid employment was furnished to many in general repairs and some new construction, in the department of sanitation and street cleaning, and in the various processes of municipal administration. As the conditions established by the presence of the military forces made it possible, operations were resumed on the wrecked plantations, and the suspended mining enterprises were set in motion by the mine owners. Gradually and steadily the life of the section resumed its normal conditions, and the 1st of January, 1899, saw a large part of the people of Cuba's eastern province orderly, peaceable, and self-maintaining. For this, credit is due to both officers and men of the American army. But credit is also due, though rarely given, to those who were so largely left to work out, with such feeble resources as they possessed, their own economic salvation.

The condition of the larger portion of the Island at the time of the American occupation, on Jan. 1, 1899, was not dissimilar to that of Santiago six months earlier. Nominally, until 12 o'clock, noon, of that date, Spanish authority continued. But the duties of government were either neglected or were performed in a wholly perfunctory manner. Many, probably most of the various municipal and provincial authorities, being Spaniards or of Spanish affiliation, had resigned or deserted their positions. Their power was gone, and it was useless to maintain the semblance of it. There was also a feeling of personal insecurity and a fear of Cuban reprisals.

On Nov. 26, 1898, Gen. Ramon Blanco resigned his post

as Governor General of Cuba, and returned to Spain. General Castellanos succeeded him and remained the nominal official head of affairs until the transfer to the American authorities. On December 1, President McKinley allotted from available funds the sum of \$50,000 for expenditure in the greatly needed cleansing of the city of Havana. Throughout the month, detachments of the army of occupation reported for duty on the Island, and were assigned to camps in different parts of the country, though the main body of the army, consisting of the Seventh Army Corps, U. S. V., under command of Gen. Fitzhugh Lee, with two regiments, the 8th and the 10th, of the regular army, and a force of regular artillery, was centred in and around Havana. So far as routine processes were concerned, the closing days of December saw everything in readiness for the event which was to mark the opening of the new year.

The official transfer was a brief and simple proceeding. At 12 o'clock noon, the Spanish flag was hauled down, and the American flag hoisted in its stead. The official representatives of Spain and the United States met in the Hall of State in the Governor's Palace, in Havana, where General Castellanos, acting for his government, with a sad and bitter heart and trembling hand, signed the paper which transferred the sovereignty of Cuba to the American authorities, as trustees for the Cuban people.

It is doubtful if any nation of the world ever assumed a similar responsibility. So far as the American people in general were concerned, and so far as individual authorities were concerned, the purposes of the Government of Intervention were straightforward and generous. Their object was expressed in the terms of the Joint Resolution, that the United States should occupy the Island until it was

pacified. When that was accomplished, American government would terminate, and all control be turned over to the Cuban people.

While this was sufficiently definite, as an announcement of the American intention, it was also sufficiently vague to shelter a considerable group of American citizens whose opinions were voiced by a distinguished American senator who pointed to an American flag, as it floated over a Cuban fortress, and said, "That flag will never come down in this Island."

It is eminently unfortunate that, at the time of our assumption of control of the destinies of the Island of Cuba, so little was really known by the American people of Cuba's special needs and of the special characteristics of the Cubans. It is also unfortunate that it seemed obligatory to place the immediate administration of affairs in the hands of men who, though of marked ability along the line of their special training and experience, had no adequate knowledge of civil administration, and none whatever of that Spanish law, both civil and criminal, the establishment of which was the first act of American occupation. With the exception of Gen. James H. Wilson and Gen. Fitzhugh Lee, department commanders in Matanzas and Havana provinces, all of the designated officials were distinctly military men. All stood high in their profession, and all were of known and tried personal integrity. Some had had wide experience in dealing with Indian questions on our western frontier, but the Cubans were not Indians.

For a time military methods were imperative, and military channels were those through which certain phases of the work could best be accomplished. In the maintenance of peace and order; in the distribution of food to the starving, and medicine and relief to the sick and the suffering;

in sanitary regulations; and along various other lines, the directness and the promptness of military methods were indispensable. The special misfortune of this time lay in American failure to obtain a broad grasp of such important features as the economic, the political, and the judicial. It was work for broad statesmanship, and a competent attention to those features would have averted many of the ills which have followed and whose end is not yet.

Jan. 1, 1899, saw three armies in Cuba — the American, the Spanish, and the Cuban. The army of occupation numbered more than 40,000 men. Spain's troops were in process of withdrawal for return to the Peninsula, and the Cuban army had been only partially disbanded. As the Spanish troops withdrew from the interior towns and cities, their place was taken by the Cuban forces who maintained order and repressed disturbance, in highly creditable manner, until they, in their turn, were supplanted by the soldiers of the army of occupation. The last of the Havana contingent of the Spanish army went on board transports lying in the harbor of that city, on the morning of January 1. The Matanzas contingent left that city on January 12, and the Cienfuegos detachment completed the Spanish evacuation of the Island on February 6. A part of the Cuban army remained in the field until its general disbandment during the early summer months.

The condition of the greater portion of the Island, at the time of the American occupation, was little short of appalling. Notwithstanding General Blanco's revocation of the order of reconcentration, and the relief work which was afterward carried on, the Island was, on Jan. 1, 1899, a hospital and a poor-farm. Hunger stalked abroad and the dying lay in many homes and in all public institutions. Hundreds of children wandered homeless, unclothed, living

as they could, almost like wild animals. Relief from this condition was one of the first and most important processes of the new government. In this, they were effectively aided and supported by those of the Island people who were not themselves impoverished and destitute. The amount of money expended for this purpose cannot be given, because of the impossibility of ascertaining the sums expended through the channels of relief organizations and by individuals, Cuban, American, and Spanish. The financial reports for the year show an official expenditure for hospitals and charities and for aid to the destitute, of a little short of \$1,000,000.

The report of General Brooke gives the issuance of rations to the needy during the opening months of 1899, as

By the War Department .....	5,493,500
Through other channels .....	1,000,000
	<hr/> 6,493,500

A ration represents a day's supply to the individual. A vast work was done, in which the Cubans themselves are entitled to a large measure of credit and commendation.

The next step in the order of importance was doubtless that of sanitation. Neither Spain nor her colonies have at any time been notable for their devotion to this department of municipal and village life. In this they are by no means unique, sharing, as they have, the experience of much the greater portion of the world's population. Though at no time had it ever been commendable, the condition of Cuba, in the matter of street and house sanitation, had become more scandalous than ever. The disturbances of a prolonged war, and the inevitable interruption of all governmental processes, had left the Island, and particularly its chief cities, in a state which it is wholly within bounds to

pronounce as horrible. All of the streets of the Island cities were dirty; many of them were almost, and some were quite impassable by reason of lack of repairs which had been necessarily suspended during the war period.

Probably no public building in the Island was in a fit state for use or occupation. The penal institutions, jails, houses of detention, and even asylums and hospitals for the sick and insane, were in a state of indescribable filthiness. The crowded tenement areas of the poorer classes in the cities were most of them disgusting, some of them nauseating. The residences of not a few of the better classes were an offence to their occupants and a menace to the community. Facilities for the removal of the accumulation of garbage and other offensive matter were utterly inadequate. The work of cleansing was attacked with a vigor which was productive of immediately visible results, although weeks elapsed before there were even indications of the establishment of wholesome conditions.

The American authorities found the machinery of civil government disorganized if not demoralized. This obtained in all departments of both national and municipal life. Because of its importance as a source of Cuban revenue, the Department of Customs stands preëminent in insular administration. This department was placed under the charge of a highly efficient officer of the United States army, Lieut. Col. Tasker H. Bliss (now Brigadier General). In the beginning, the charge and supervision of the Treasury Department was also placed in his hands. In his capacity as head of the Treasury Department, Colonel Bliss promptly abolished that well-known institution, the Havana Lottery, which was under the general control of that office. Of the conditions which attended his assumption of the adminis-

tration of the Custom House, this officer says, in his report dated August 1, 1899:

"Upon taking charge of the Havana Custom House, I found it almost entirely stripped of equipment for the work to be done. The building was formerly the Convent of San Francisco, founded shortly after the year 1574. It is situated at the foot of Teniente Rey Street, on the harbor front, with the wharves and docks extending on either side. I found that all but the rudest furniture had been taken away from the Custom House, that nearly all of the important records or documents had been removed or destroyed, and that there remained practically no facilities for transacting public business. Had it not been for a personal appeal to my retiring predecessor, I doubt if there would have been left on January 1 a table at which to write or a chair on which to sit."

Colonel Bliss began business in his important department with little else than an official building, and a tariff of duties and taxes to be levied and collected by the Customs Service. This tariff was issued by executive order in Washington, on Dec. 13, 1898. The customs building itself was in a filthy and dangerously unsanitary condition. Over 1200 cubic yards of accumulated rubbish and several tons of fetid matter were removed from this structure alone. Of the nominal personnel of the department, some 250 in number, nearly if not quite all of them Spaniards, a large majority resigned for various reasons, necessitating the organization of an entirely new staff. The experience of Colonel Bliss in Havana was practically duplicated in all of the sub-offices of the Island.

The Postal Department was another badly disorganized institution. The work of organization and establishment was placed in the hands of Mr. E. G. Rathbone. In his report, he states that "The Spanish Government on retiring left no records for my guidance, and not one stamp of any

denomination, nor a cent of money. In fact, about all that was found was a great quantity of undelivered mail matter, some of it dating as far back as the year 1891, a disreputable old post-office building, in a very bad sanitary condition, and a miserable post-office outfit." Under the former system, mail carriers, in the cities as well as in the country, collected fees for the delivery of letters, from those to whom they were addressed. The old railway mail service on the Island consisted in sending bags of mail matter to the outgoing trains and steamers, and receiving other bags from the incoming trains and vessels. The bags for despatch by train were not sealed, their contents being tied up in open bundles for delivery at the stations along the way. These bags were placed on seats, openly exposed, in one of the cars of the train. The train conductor delivered the bundles to some recognized agent at each station, receiving on his part such matter as might be going in his direction. No record was made of these receipts and deliveries. The local post-office system throughout the Island was on a par with the transportation system.

I have already referred to the distress which prevailed throughout the Island at this time. My personal observation and experience finds ample confirmation in a letter quoted by General Brooke in his report of Oct. 1, 1899. The writer was a distinguished Cuban general who, during the month of February, made a trip through the western provinces. In his letter to General Brooke, this officer said that "a state of desolation, starvation, and anarchy prevailed almost everywhere. In Santa Clara, with the exception of the municipal district of Cienfuegos, agriculture and trade had practically disappeared. The country roads, mail service, public instruction, and local governments were in a state of almost complete abandonment.

Matanzas province was in a worse condition. The Province of Havana presented a similar aspect; and in Pinar del Rio, the war had caused its greatest havoc."

This illustrates with sufficient clearness the social and industrial situation at the time of the American occupation. Cuba, eminently an agricultural country, was practically in the position of a farmer who had a piece of land and a family, but no house for shelter, and no tools or cattle with which to work. The force of existing economic distress and the imperative need of affording early and ample relief was not appreciated by those in supreme authority. Only one of the department commanders, I believe, makes special mention of this need. General Wilson, a man of wide experience in civil affairs, says in his report for the first six months of 1899:

"Before there can be a complete restoration of prosperity, some effective arrangement must be made by which oxen, cows, carts, plows, and hoes can be supplied in reasonable quantities to such smaller proprietors and their tenants as have been reduced to destitution by the war. . . . I am so convinced of the futility of approaching the problem of reconstruction from any other direction that I must again urge the necessity of some action to relieve the wants of the agricultural population, and to put agriculture on a sound basis with the least possible delay."

The industrial rehabilitation of the Island should have been, but was not, made a dominant feature in the work of the new government. A few realized the fact, though views differed regarding the proper steps. Charity had done its helpful work. A bridge was needed between the domain of charity and that of reasonable prosperity as a result of individual industry. This might have been effected by methods suggested by General Wilson, Señor Perfecto

Lacoste, and others, whereby a portion of the revenues of the Island would have been made available as a fund from which loans could be made to the trustworthy, and cattle and implements brought in to be sold on an installment plan, under due provisions for their security, to such as needed them.

In his report of June 30, 1900, Señor Lacoste, Secretary of the Department of Agriculture, Commerce, and Industry, says that "Up to the present time nothing has been done toward the improvement of our agricultural situation." In his report of Dec. 31, 1900, the same official states that "No order of a general character has been issued during the six months to which this report refers, in connection with agricultural matters." These reports cover a period of two years of American control. An appropriation was afterward made which permitted the importation of a limited number of cattle for sale to the people of eastern Cuba. The step was on too small a scale for notable benefit. Had the matter been taken in hand upon broader lines in the earlier days, there is much reason for belief that the stories of widespread economic distress, so often heard during 1901, might have been given a widely different character.

The question of Cuba's finances at this time presented only one feature. That was the amount of her liabilities. There was in existence a series of obligations, issued by the mother country and charged by her to the Island of Cuba. The amount of these obligations is variously given at from \$400,000,000 to \$650,000,000. The American Commissioners, at Paris, with the full support of the President, refused to assume for the United States or for Cuba the payment of these bonds. A portion of the sum had been borrowed for the purpose of suppressing a previous

revolution in the Island, and this, with other indebtedness, was charged to Cuba. No other national debts existed save those which were given validity under the terms of the Cuban Constitution adopted three years later. These were represented by some \$2,000,000 of bonds issued by the insurgent government, and the claims of the Cuban soldiery for payment for their services during the war. A number of municipalities, however, carried outstanding obligations and some bonded debt. These, aside from the bonded indebtedness of Havana, approximately \$10,000,000, were not large even in their aggregate, probably little if at all exceeding \$3,000,000. This constituted no burden under any approach to normal conditions. The total valid obligations of the Island as a whole, or of its municipalities, was a sum of comparatively insignificant amount.

A much more serious feature was presented in the condition of the laws and the methods of their application. Of the general character and the general characteristics of the people for whom they had become, for the time being at least, responsible, little was known by the people of the United States or by their representatives in the Island. They were generally weighed, after the American fashion, in American scales, and were found wanting. Men who had seen no country except their own, and who knew no other people than their own countrymen, saw the Cubans in their deplorable and broken state. The tendency was to pity them as one pities some suffering animal, and to regard them as lamentably destitute of self-sufficiency. A few weeks, often no more than a few days, was a sufficient time for hundreds of superficial and unqualified observers to sit in judgment, and to determine that Cuba was little other than a land of turbulent and illiterate negroes needing the government of a stronger race, indisposed to industry.

and quite unsuited for that independence for which they had been fighting. A group of political and military leaders, posing as the duly constituted representatives of the Cuban people, was in session, and their proceedings were assumed to be a type of that which might be expected in any Cuban political body. The element which was most in evidence was regarded by too many as typical of the mass.

The United States began its work in Cuba with little or no knowledge of the Cubans' special needs, and with a distinct misconception of the qualities and characteristics of the Cuban people. That so little friction occurred, during the term of American control, is due, in notable measure, to the very qualities and characteristics which were so generally ignored when that control was assumed.

The productive industries of the Island were paralyzed to a point little short of absolute suspension. While an inconsiderable amount of home and market gardening may be, and was, carried on by hand, all extensive production for commercial purposes is dependent upon animals for ploughing and other necessary processes. In 1894, the year preceding the outbreak of the revolution, Cuba had, in all parts of the Island, some three million head of cattle. Some of these were range cattle, but many of them were working-oxen upon which the Cuban planter, large and small, chiefly depends in his agricultural processes. At the close of the war, it was estimated that fully ninety per cent of these cattle had been destroyed, largely for consumption by the contending armies and by the hungry people. These had found no replacement at the time of the American occupation. In 1894, there were some 600,000 horses and mules on the Island. The reduction of this group was not so great as in the case of the cattle. But the Cuban horse is of little or no use for farm purposes, being small in size and light

in weight. Without cattle, any early resumption of the industries of the Island was impossible.

In 1894, there were more than 350 mills for the grinding of sugar cane and the conversion of the juice into raw sugars. Few of these escaped all injury during the processes of the war. About one-half of them were either totally destroyed or so thoroughly wrecked as to render necessary their almost complete reconstruction. That required both time and money. In the majority of cases, the owners of these, whether ruined in whole or in part, were without means for their proper rehabilitation. The result of this enforced industrial suspension, in its effect upon the people of the Island, may be partially realized from the fact that a large percentage of the entire population of the Island is dependent, directly or indirectly, upon sugar production.

In view of the importance of this industry in the life of the Island, and in view of its known demoralization, it is as much a matter of surprise as of regret that the authorities of the intervening government did not proceed at once to the very root of the evils which existed in Cuba at the time of American occupation. That the point of recognition of this special and fundamental need was urged upon the authorities is shown in the official report (p. 12) of General Brooke, the Military Governor. He says:

"Many requests have been made by the planters and farmers to be assisted in the way of supplying cattle, farming implements, and money; the latter to enable them to restore their houses. The matter has been most carefully considered and the conclusion reached that aid could not be given in this direction. It should be understood that the full amount of the revenues would not be sufficient to meet all demands of this kind, even were this the only objection to the scheme. The real solution of this question of furnishing means to those who need this kind of aid, is through the

medium of banks, agricultural or others; through them and through them alone, it is believed, means now sought from the public treasury should be obtained. In this system of loans, which can be under the scrutiny of the banks or associations from which loans are secured, lies the only apparent solution of this much-talked-of source of assistance. This system would not destroy or impair the self-respect of the borrower; he would not be the recipient of charity, but a self-respecting citizen working out his own financial salvation by means of his own labor and brain. From information on the subject, it is believed that there is enough capital lying idle in Cuba to-day to supply all that is needed, were the capitalists assured as to the future.

"The scheme of those who urge this system of assistance to agriculturists by the use of revenues of the Island is that, as appears in the papers submitted, very cumbersome and expensive governmental and other machinery must be organized to carry it out. It is believed that the workers of farms will have obtained through other and more satisfactory channels the assistance needed before this system could be put to work. One feature of this particular scheme is that it will require five years to work it out, possibly more."

It must be admitted that the reasons here stated appear to be entirely sound and valid. Naturally, there were, among the advocates of such a measure, many whose plans were visionary, and who urged steps which could only be regarded as unwarranted and ultra-paternal. Among those who urged the adoption of some plan of agricultural relief was General Wilson, Military Governor of the provinces of Matanzas and Santa Clara. The following is quoted from that official's report of Sept. 7, 1898 (p. 24):

*Agricultural Relief.* — "The persistent call for assistance in the various agricultural districts is based upon the fact that the Island itself, although not deprived of capital — but having no banks, and being left in a state of uncertainty as to the particular

form of government, and the particular character of administration, which are to come — is compelled to look either to the insular treasury or to some extraneous source for such additional capital as will enable it to establish agriculture and commerce on a sound basis.

"In view of the foregoing facts, I have strenuously urged in my report of February 16, pages 14 and 15, in my report of June 20, pages 13 and 14, and in a special communication to the Adjutant General of the Army dated August 29, — that the insular treasury should make an allotment of funds for the purchase of cattle, agricultural implements, and seeds, to be sold to the farmers, on long time, at a low rate of interest; and also for such loans as may be necessary to assist them in reconstructing their homes, and in bringing their land again into production.

"So firmly am I convinced of the wisdom, indeed, of the absolute necessity, for some such measure as this, that I again reiterate my recommendation, and express the hope that if the plan which I have submitted be not regarded as feasible, some other plan, with the same end in view, may be substituted for it."

It will be noted that General Wilson does not advocate the loaning of large sums to holders of extensive plantations, a point which seemed to occasion some confusion in the mind of his ranking officer, but a measure of relief, involving no vast outlay, to the masses who stood in such need of even the means of subsistence.

Attention had been called to the matter of industrial reconstruction even before the date of the occupation. Mr. Robert P. Porter, as Special Commissioner to Cuba, stated in his report of Nov. 15, 1898, that "The only hope for the renewal of prosperity in Cuba is first, the rehabilitation of the sugar industry; secondly, a revival of work on tobacco plantations; and thirdly, a full complement of men in the mining districts. These industries are the basis of the prosperity of the Island."

In a restoration of the industries of the Island, in the establishment of the people in a state of modest comfort as a result of their individual industry, lay the key to the solution of the political situation. A closer attention to the economic problem, presented in the very beginning of the American occupation, would have averted many of the evils, both economic and political, which fell upon the Cuban people during the succeeding years. More than that may also be said with safety. The establishment of the small farmers of the Island in the modest homes which content them, with a yoke of oxen and a plow, would have filled the Island with a people whose gratitude to their benefactors would have simplified, if it did not solve, the political questions of a later date.

## CHAPTER VII

### THE FIRST YEAR OF OCCUPATION — 1899

The first official step of American Government in Cuba was the issuance of the following proclamation, on Jan. 1, 1899:

*To the People of Cuba:*

Coming among you as the representative of the President, in furtherance and in continuation of the humane purpose with which my country interfered to put an end to the distressing condition in this Island, I deem it proper to say that the object of the present Government is to give protection to the people, security to person and property, to restore confidence, to build up waste plantations, to resume commercial traffic, and to afford full protection in the exercise of all civil and religious rights.

To this end, the protection of the United States Government will be directed, and every possible provision made to carry out these objects through the channels of civil administration, although under military control, in the interest and for the benefit of all the people of Cuba, and those possessed of rights and property in the Island.

The civil and criminal code which prevailed prior to the relinquishment of Spanish sovereignty will remain in force, with such modifications and changes as may from time to time be found necessary in the interest of good government.

The people of Cuba, without regard to previous affiliations, are invited and urged to co-operate in these objects by exercise of moderation, conciliation, and good will one toward another, and a hearty accord in our humanitarian purposes will insure kind and beneficent government.

The Military Governor of the Island will always be pleased to confer with those who may desire to consult him on matters of public interest.

JOHN R. BROOKE,

*Major General, Commanding Division of Cuba, and Military Governor.*

The Military Government was divided into departments corresponding to the already established provinces of the Island, with the administration of the City of Havana as an additional department. These, in the beginning, were under the command and supervision of the following officers of the United States Army:

Havana Province .....	Gen. Fitzhugh Lee.
Pinar del Rio Province ....	Gen. Geo. W. Davis.
City of Havana .....	Gen. Wm. Ludlow.
Matanzas Province .....	Gen. Jas. H. Wilson.
Santa Clara Province .....	Gen. John C. Bates.
Puerto Principe Province ...	Gen. L. H. Carpenter.
Santiago Province .....	Gen. Leonard Wood.

On January 11, provision was made for the administration of Civil Government through four departments, as follows: Department of State and Government; Department of Finance; Department of Justice and Public Instruction; Department of Agriculture, Commerce, Industries, and Public Works.

On January 12 these departments were established by the following appointments:

Domingo Mendez Capoté, to be Secretary of the Department of State and Government.

Pablo Desverníné, to be Secretary of the Department of Finance.

José Antonio González Lanuza, to be Secretary of the Department of Justice and Public Instruction.

Adolfo Saenz Yáñez, to be Secretary of the Department of Agriculture, Commerce, Industries, and Public Works.

It is not possible to present here either the complicated functions of these departments, or the many difficulties which confronted both the Military and the Civil Administration. For four centuries the Cuban people had lived under the domination of an autocratic government whose local administration was virtually a military dictatorship. One-third of the population consisted of blacks, many of whom had been slaves prior to the emancipation act of 1886. From lives of subjection and subservience, political or physical, white and black alike were now to step into the broad field of democracy, freedom of speech, and self-government. Some of their leaders, by education and experience in the United States and in France, were partially qualified for such a step, but even to these there clung the influence, strongly marked, of training under Spanish methods.

The military governors faced questions which were new to them, a people whom they did not understand, and by whom they were not understood. Laws and language were equally unfamiliar. Years of maladministration of the Spanish legal code had stamped upon the American mind a firm belief that the laws themselves were bad. A long period of Cuban revolt led to a belief that the Cubans were a turbulent people, akin in their revolutionary habits to their neighbors in Hayti, Santo Domingo, and the Central and South American Republics. All this and more the Americans had to unlearn. Many Cubans, in blind enthusiasm, looked for the sun of prosperity to burst at once from the clouds of oppression and disaster. Looking back upon those early days of Cuba's new life, they who shared in those processes and they who stood and watched them from the point of observers, see in them the development of a problem whose complexities were at the time but dimly appreciated.

The first and most immediately important step was re-

lief for the suffering. To that end, the following instructions were sent to all Department Commanders:

*General:*

I am directed by the Major General Commanding the Division to invite your attention to the reported need of food by a large number of the people of the Island. He desires that you inquire into this matter at once and investigate fully the condition of the people as regards the matter of food supply. In all cases where you may find destitution, you will immediately relieve it. In this connection, your attention is invited to the enclosed extract from G. O. 110, A. G. O., Washington, Aug. 1, 1898, specifying the ration to be issued to Cuban destitutes. You will please understand that all able-bodied men needing food will be given work, as soon as practicable, on the repair of roads and sanitary and other public works. They will be paid fair wages in United States money, but this cannot now be paid weekly for the reason that the funds are not available. It is not proposed to furnish work to those people who remain in Cuba and retain their allegiance to Spain. Men who are offered work and refuse to work should not be fed. On investigation of this matter you will show, by timely estimates of funds, the necessities of your department, remembering, however, that the funds for this and for other purposes are limited at present. You will exercise a wise discretion in the distribution of food; it is better to make an error on the side of humanity always. Medical attendance and medicines will always be afforded and given where necessary. Please keep these headquarters fully advised as to all conditions in your department at all times, and to this end you will acquaint yourself with affairs by an active use of the means at hand. For the present, and until proper arrangements are made for remission of customs revenues to Havana, or disbursement of same at port of collection, sub-collectors must understand that they will be held to a strict accountability under executive order of Dec. 9, 1898, to the Collector of Customs for the Island for all funds received by them.

Very respectfully,

ADNA R. CHAFFEE,  
*Major General, U. S. Volunteers, Chief of Staff.*

In the beginning, food distribution was conducted on very liberal lines. It was better that a few unworthy should be supplied than that any who were in actual need should suffer or die from hunger. Unfortunate results were immediately apparent. People who could afford to buy stood in line with the destitute. Pauperization was the inevitable tendency. System was introduced as rapidly as possible, and house to house inspection was instituted. The inspectors furnished orders, upon a printed form, calling for the requisite supply in the various individual cases. These orders were filled upon presentation at the central distributing stations. The medical department was also given due attention, and the sick were properly cared for.

One of the most serious features which attended the relief work lay in the fact that there were many whose physical system was so disordered by long-continued starvation that such food as it was possible to supply, as rations, was not suited to their needs. Many of these cases were hopeless. As rapidly as possible, such were taken to hospitals or to buildings used for hospital purposes, and there nursed and cared for until death kindly relieved them of their misery. Few more pitiable sights are ever encountered than those rows of hospital cots, each occupied by a doomed sufferer, the victim of an inhuman policy. Mendicants swarmed in the streets, and infested the stores, hotels, and cafés. A considerable number became semi-professionals and paid daily visits to particular patrons.

The lines of restriction and exclusion in the matter of food distribution were drawn more closely with each passing week, and the effect was soon apparent. By the first of April, the list of recipients in Havana had been reduced from 20,000 to 8,000, and a similar condition prevailed throughout the country. During the latter part of March,

it was officially announced that, thereafter, the expense of this charitable distribution would be charged to the insular fund. The expenditure at the time was estimated at \$280,000 per month. So effectively was the relief work accomplished that by the month of June it was deemed advisable to suspend all general distribution of food supplies and to limit charitable relief to cases of special need. The work had then become so systematized that such cases were known to those engaged in it. By that time, many had returned, or had been aided in returning to their homes to take up as best they could the work of self-maintenance. Thousands had found employment in the various departments of governmental and municipal processes and operations. But it is to the little-aided efforts of the Cubans themselves that most of the credit belongs for the industrial rehabilitation of the Island. Neighbor helped neighbor, and he who had an ox or a plow or a hoe shared its use with his neighbor who had nothing. This feature of Cuban reconstruction has been little noted. Those who did this lived, in large proportion, away from the beaten track, unseen by all save a few special students of Cuba's real situation.

America is prone to take credit for all that has been done in Cuba. The truth is that, along economic lines, the Cuban, whether planter or peasant, received little assistance from the American Government. The planter borrowed such money as he could for the rehabilitation of his estate; employed such hands as he could, often on a basis of wages contingent upon his receipts for his crop. Of my own knowledge, I can testify to the work of the peasant, the *guajiro*. I have seen him scratching a shallow furrow in the soil with a bit of bent iron barrel hoop that he might plant a few *boniatos*. I have seen three Cubans slowly and laboriously dragging a crude and cumbrous Cuban

plow, while a fourth guided it. By such methods as these have the Cuban people struggled for life and maintenance.

During the year, changes were made in the Military Departments. General Hasbrouck succeeded General Davis, who was ordered to Porto Rico. During the month of April, there was a consolidation of departments. Havana and Pinar del Rio provinces were combined under the command of General Lee. General Bates was ordered to the Philippines, and Santa Clara province was added to the command of General Wilson. Puerto Principe was coupled with Santiago. With the diminution of extreme distress, and the gradual return of the people to their various occupations, the work of the military department lessened. A large portion of the American troops were withdrawn. By the end of the year, while there was still a vast amount of work to be done by the department commanders and their staffs, it had been sifted down into a generally systematic routine. No disturbances or uprisings occurred, though there was occasional friction between the two peoples, and rumors and threats of disturbance were sometimes heard.

A notable cause of threatened disturbances occurred in the existence of a body known as the Cuban Assembly. This group claimed for itself the position of an established Cuban representation. It was presumably composed of representatives of the different corps of the Cuban army, and paraded under the imposing title of *La Asamblea de Representantes del Ejercito Cubano*, or the Assembly of Representatives of the Cuban Army. It held a series of meetings and claimed an official recognition which was refused. Its desire was the immediate withdrawal of the Government of Intervention, and its object was to constitute itself the successor of that government. It discussed the placing of a considerable national loan, and essayed steps toward such a

loan. It had some following among an irresponsible element, notably in the ranks of the still existent remnant of the Cuban forces. Its deposition of Maximo Gomez as the General in Chief of the army divided its support, as many adhered to the side and the fortunes of their old leader. The organization stormed itself to death and passed away to reappear in the persons of some of its members as individual factors in the politics of a later day. At no time was the body dangerous, but for many weeks it existed as a potential breeder of trouble.

An interesting question arises in connection with this body. While its experience as an organization which was ignored by the intervening government was not notably creditable, it remains a clear possibility that its recognition and co-operation might have resulted in material benefit to both Cubans and Americans. Numbered in its personnel there were more than a few who had been leaders in the war, who afterward appeared as members of the Cuban Constitutional Convention, and who are to-day members of the Cuban Congress. There were others who afterward held, and who still hold official positions. The authority of the *Asamblea* was recognized by General Gomez who accepted his deposition by them as the head of the army. The body claimed for itself the legitimate succession to the Constituent Assembly which met at Jimaguayu, on Sept. 13, 1895, to organize a Cuban government and to prepare a constitution for a Cuban Republic. The United States had distinctly refused to recognize that government, officially, and refused to recognize the creators of it after the American occupation. Whether the body possessed any rights which entitled it to recognition, or whether it could be regarded as duly representative of the Cuban people, may be matters of opinion. It certainly did constitute an organization which

included in its membership a notable number of Cuban citizens of both respectability and prominence, and, whether it was or was not the constitutional representative of the Cuban people, it did form an association which might have been used, under the supervision of the American authorities, as a valuable agent in the processes of the intervention. Such a proceeding would have been entirely logical, and much more consistent with the pledges and the assertions of the American government than was the method adopted. Recognized, they might well have become useful aids in carrying out the professed policy of the United States. Ignored and offended, they became a suspicious and disturbing element.

The truth of the matter is that at this time, notwithstanding her recorded pledges, the United States had no definite policy regarding the Island. Vague ideas were held of Cuban capacity, and doubts existed of Cuban fitness for any political position save that of political dependents. The United States, after its occupation of the Island, continued the policy which Mr. Cleveland, in his message of December, 1896, called the "expectant attitude." It is now no more than a matter of pure speculation, but it will always remain a question whether many of the evils which appeared later might not have been avoided by a judicious combination with the Cuban *Asamblea* in the early months of 1899.

A serious problem presented itself in the shape of what was known as the Mortgage Extension question. The census of 1899 gives a valuation of the real estate of the Island as \$323,641,895. Upon this, the same authority shows an indebtedness, represented by mortgages and censos, of \$247,915,494. The major portion of this was of some years standing. On May 15, 1896, General Weyler issued

a decree, in view of the financial and industrial distress resulting from the war then going on, that:

"1. Mortgages maturing or to mature from this date onward are to be extended until April 29, 1897.

"2. During this time (May 15, 1896, to April 30, 1897) all legal steps regarding the payment of such claims will also be held in suspense."

This applied to the Island at large with the exception of Santiago and Puerto Principe Provinces where it applied for one month only. A continuance of the period of disturbance led to a continuance of the decree until April, 1898, when it was again extended until April 1, 1899. This lapsed over into the period of American control. A vigorous agitation was started for a still further renewal, and after a thorough canvass an extension was granted until the spring of 1901. The extension was a doubtful measure, beneficial to the debtor class but seriously detrimental to the creditor class, not a few of whom were disastrously affected by it. It was moreover a serious infraction of a fundamental law — that of contracts. Even to-day, it is not easy to say whether the granted extension worked helpfully or injuriously to the general welfare of the Island. At all events, its benefits were not so clearly evident as to show full justification for the proceeding.

In view of the general lack of accurate information in the United States regarding Cuba, the Cuban people, and Cuban affairs, and the plentiful amount of misinformation supplied during that much tangled period, it is less surprising than it is unfortunate that a wiser and more definite policy should not have been formulated for the immediate and future government of the Island. The situation was further complicated by the fact that there existed, on both sides of the straits, a feeling that those who had fought for the independence

of Cuba were the ones deserving of recognition rather than those who had either opposed the war or held aloof from it. Yet the former class included by far the greater number of the less responsible, while the latter class included many of the highest intelligence and the greatest property interests. These latter held back from participation, while the others clamored for place and recognition. As in both earlier and later days, there was illustrated the tendency of the Cuban people to split into political factions rather than to divide into distinct political parties.

Unduly magnifying that which their country had done for Cuba, and forgetting that American intervention in the affairs of the Island was far from being entirely unselfish, too many Americans looked to see the Cuban people in an attitude of subservient gratitude, and, finding them less voluble in their thanks than was thought to be fit and proper, at once declared them an ungrateful race. The pity with which the Cubans had been regarded, during their days of struggle and suffering, largely disappeared, and its place was filled by an uncharitable conviction of Cuban unworthiness. Too many held an idea that to have freed the Cubans from Spanish bondage was enough to command their submission to and gratitude for anything which might be imposed upon them by their alien rescuers. Unbridled comment upon their ignorance, their indifference to sanitation, upon the clamor of many whom the Cubans themselves knew to be unworthy of place and preferment, and a general air of superiority on the part of so many of the thousands of Americans who, as soldiers or civilians, were on the Island in those early days, tended strongly to drive the Cubans into a semi-hostile attitude which was clearly noticeable.

A well-defined breach between the Cubans and the Americans was apparent as early as the middle of February.

The Cubans felt that they were being ignored in affairs in which they believed they had an active concern. Military methods over-rode civil systems established by the military authorities. Americans were irritated by Cuban manifestation of a resentment which, in many ways, was excusable if not justifiable. Opposition and unfriendliness grew upon the one side, and uncharitableness developed upon the other. Cuba's most emphatic political grievance in earlier days had been the system of military absolutism. America's special energies might be directed along other lines than those followed by her predecessor, but the Cuban saw little change in the system. No doubt, the Cubans expected too much, and unreasonably expected political and economic relief which could only come through a process of time. But it is perhaps equally beyond doubt that the Americans too frequently failed to take the Cuban and his ambitions into a duly tactful consideration.

A problem which was among the earliest to be encountered was presented by the condition of affairs in the various municipalities. Under the existing system, the Island was divided into municipal districts which practically correspond to American counties or parishes. These districts constitute the political and administrative units of the Island. Each municipal district is under the government of a municipal council. Each must contain not less than two thousand inhabitants, and present an area of territory fairly proportioned to its population. They are sub-divisions of judicial districts and provinces. At that time there were in the division of the Island six provinces, thirty-one judicial districts, and one hundred and thirty-two municipalities. The municipality is divided into subdistricts and these into wards, or *barrios*. The affairs of these municipalities were found to be sorely tangled. There was confusion in the

laws which regulated them, and dire confusion in their administrative processes. Many of them showed outstanding liabilities with creditors seeking the settlement of accounts. Many of the municipal governments had expired and there were neither officials, treasury, nor revenue. On March 21, an order was issued suspending the prosecution of all claims against municipalities or Provincial Deputations, pending a reorganization. As rapidly as possible, mayors were appointed to fill vacancies, and allotments made from the insular fund to provide for their immediate needs. This method was continued until the elections of June, 1900. Yet, notwithstanding this provision, at the close of the year it was found that the municipalities had incurred a debt whose total amounted to some \$300,000. This, it will be understood, was the sum of municipal expenditure beyond the amount locally collected and the appropriation by the central government. This situation was due, in part, to the influence left in the Cuban mind and custom by Spanish methods; in part, to the inexperience of the officials; and, in part, to the failure of the intervening power to set in motion those processes of local taxation from which self-governing municipalities properly derive their revenues.

The problem of the effective reconstruction of these organizations was one of the most serious and complicated which was presented for American consideration. Life under a strongly centralized government, in whose processes municipal governments were inextricably entangled, finding a confused termination, local self-government and provision for necessary revenues seemed beyond the immediate reach of the Cuban people. The application, even in no more than a general way, of the American system, involved a change so radical as to encounter the disapproval of Cuba's ablest men. The poverty of the people was urged as an

insurmountable barrier to any system of local taxation. In the minds of many, this was an excuse and not a reason. Doubtless there were those who were utterly unable to pay taxes upon real property which belonged to them. But there were also many, notably in the larger cities, who could pay, and they were relieved because of the poverty of the others.

The City of Havana was especially favored in the matter of appropriation from the insular fund. Major Ladd, the treasurer of the Island, reported that

"From Jan. 1, 1899, to June 30, 1900, the city of Havana received from the General Government nearly five millions of dollars, the same being expended almost exclusively for distinctly municipal purposes. In lesser degree the same conditions obtained in other cities. The proper course would seem to have been some system of local taxation by which the various municipalities bore all or at least a large part of their expenses."

A complete revision of the system of taxation may have been beyond the scope of the proper functions of a government which was pledged "to exercise neither sovereignty, jurisdiction, nor control," but it is nevertheless true that equally radical changes were effected in other departments of insular affairs. But that was not the ground upon which decision was made in this matter. The innovation appeared to be unpopular, as taxation usually is, and appropriations continued from the insular funds.

It may be said in this connection that this matter continued as a source of more or less active confusion and irritation throughout the period of American occupation. A committee appointed by General Wood, in January, 1900, reported adversely to the taxation of values instead of incomes and products, although the system relieved

from taxation many large areas and valuable properties from which owners, often men of large wealth, were deriving no immediate income, and imposed a burden upon many who were struggling for livelihood. There was also gross misuse of such funds as were made available by the system adopted. In the official report of the insular Secretary of the Treasury, Señor Cancio, published in the fall of 1900, it was shown that the municipal revenues for the whole Island were \$1,188,333.31. Of this sum \$838,968.50 was spent for official salaries and office materials, and \$349,364.81 for public improvements of all kinds. This is a most discreditable showing for the officials, though it is indicative of nothing so much as of the effect of Spanish influence and political example. The problem is now being worked out, and its full solution will be facilitated and hastened by a reasonable measure of industrial prosperity in the Island.

Early attention was paid to the condition of Cuba's penal institutions. These places were not only in a condition of disgusting and horrible filthiness, but they were as well crowded with prisoners, some serving sentences, some awaiting trial, and some held for no ascertainable reason. Many of them were political prisoners. An American officer was assigned to investigate the cases as rapidly as possible, and for a time a very considerable jail delivery was effected. The process continued as time was found for investigation, and the end of the year found no great number of people in jail who did not properly belong there.

The gradual dissolution of the Cuban Army of Liberation had been in process ever since the termination of hostilities at Santiago. Its definite disbandment began in November, 1898. A *Licencia*, or furlough, was granted to all who could obtain work or who desired to return to their

homes. A notable part of the army, however, held together and so remained during the opening months of 1899. This body constituted a disturbing element in the community. It was a menace to peace although a considerable portion of it was definitely engaged, under American authority, in maintaining peace, in the capacity of a Rural Guard. As an army, its recognition was impossible, though its existence was not to be denied. Its actual dissolution, as an organization, was highly desirable. Aside from the limited number whose services were of advantage as a rural police, it did no work, and it had to eat. It remained as a body of non-producers in a land whose welfare depended upon production. Those who should have been burden-bearers became a burden. There was no reason why the greater number of them should not wield a hoe in place of carrying a gun, and there was every reason why they should do so.

A point of personal dignity, or something of that kind, stood in the way of an adjustment for several weeks. The mountain would not go to Mahomet, neither would Mahomet go to the mountain. Maximo Gomez stood upon his dignity, and General Brooke upon his. To some of us who were in the Island at the time, it did not appear that any special strain of either dignity or diplomacy was required for these two leaders to get together in furtherance of the interests and the welfare of both countries. Gomez was the recognized leader of his people, and particularly of the Cuban army, whose return to productive industry was most desirable. He was in the field, near Remedios, and refused to become a suppliant. General Brooke was in Havana, occupied with important affairs, and declined to make any overtures to the stubborn and somewhat erratic old gentlemen out in the woods. No serious trouble resulted, it is true, but there

remains a possibility that much good might have resulted from a cordial understanding between these two leaders.

An arrangement was finally effected through Mr. Robert P. Porter, who arrived in Havana about the end of January. Mr. Porter secured a conference with General Gomez and obtained a verbal agreement by which the army was to be disbanded upon the distribution of \$3,000,000, a sum which the authorities at Washington had tentatively allotted for the purpose. There was much discussion whether this sum constituted a gift or a loan to the Island, and the authority for the appropriation was called in question. The sum was a part of the remaining balance of the congressional appropriation of \$50,000,000, which was placed at the disposal of President McKinley in the earlier days of the war. The object of the allotment was to aid the soldiers of the Cuban Army to return to their homes, and, so far as was possible, to resume their wonted occupations. Its return was not required. The conditions were that the beneficiaries should prove their connection with the army, and turn in a gun. A tedious delay followed, although the money was sent and held on board a war-ship in the harbor of Havana.

The "Cuban Assembly," claiming to be the qualified representative of the army, was greatly incensed at the action of General Gomez, and promptly deposed him from his position as Commander-in-Chief of the Cuban forces. This act served no purpose save the increased confusion of an anomalous situation. The people and the army generally stood by Gomez, with whom the United States had made the arrangement, and who would doubtless be further recognized in the distribution of the funds. To the *Asamblea*, the United States had definitely and distinctly refused any sort of recognition. But the *Asamblea* held the rolls of the

army, and, for a time, declined to produce them. These were essential in determining the service qualification. They were at last released by the dissolution of the *Asamblea*. They included the names of some 48,000 men, a number which many competent Cuban authorities declared to be absurdly in excess of all possible enrollment in the Cuban army. It included the names of many who could not be found, and failed to include many who, by other evidence, proved the fact of service beyond any reasonable doubt. It included the names of many who had seen no fighting and no military service, but who had acted in some official or clerical position in connection with the quasi Cuban Republic.

The allotment had been made on the basis of a payment of \$100 per man to an estimated force of 30,000. Several months were consumed in effort to adjust the matter. It was finally determined by the elimination of officers and those who had served only in civil or semi-civil capacities. Seventy-five dollars per man was awarded to 33,930 men, and the balance, \$455,250, was returned to Washington. With the exception of those who were retained as a rural police, the Army of Liberation passed into history and into organizations of Veterans of the Cuban Army. Some used the money which they thus received in the commendable fashion of home establishment. Some disposed of their share in more expeditious but less laudable manner.

followed the capitulation of Santiago and the destruction of the Spanish squadron. Gomez remained in the field in the northern central portion of the Island, and for many months was inactive except for a general police supervision for the preservation of law and order. He opened no official relations with the new authorities, and it is quite certain that he entertained grave doubts concerning the future course of the United States. To a man of his previous experience and mental make-up, fidelity to national pledges or to the terms of treaties was difficult of comprehension, and the voluntary giving up of that which lay in the hand of a mighty nation was a proceeding which required actual accomplishment before it could be fully believed. He remained in camp, attended by a body-guard of his old troops, watchfully awaiting the development of the plans and purposes of the United States.

In February he came to Havana, after making a triumphal procession through the Island. In spite of the many enemies he had made during the processes of two wars, it is certain that, at this time, he was the strong man of the Island, and the fact that he had remained aloof, semi-mysterious in his plans and movements, instead of plunging into the disturbed arena of the period, served only to add to his prestige. It was known that he realized the strength of the United States, and the ability of that country to seize and hold the Island, and to stamp out insurrection in a manner which was beyond the range of Spanish military methods. It was known that he had no unlimited confidence in the American Congress. Therefore he waited, and many Cubans held their own attitude in suspense pending the action of Gomez in either allying himself with or definitely opposing the *interventores*.

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Remedios, and the arrangement for the payment of the army, he started for Havana, visiting the more prominent towns and cities on his way. The journey was a continuous ovation, and despite the poverty and distress of the country, his arrival was signalized by triumphal arches, processions, balls, and banquets. The result of it all was a distinct unification of Cuban sentiment. Wherever he went, he urged forbearance, forgiveness, and the burial of the past, to Cuban and to Spaniard alike. He urged harmony and unity of action, not against Americans, but for the building of a distinct Cuban nation which should be recognized by the American people with whom it should live in relations of the closest amity.

In the whole history of Havana, no such reception had ever been given to any man as that given to this idol of scores of thousands of Cuban hearts. Never before in their history had the Cuban people been given so free a hand in a popular demonstration. Parades, fiestas, and decorations were sufficiently familiar, but all previous affairs had been tinged with the red and yellow of Spain. This event was distinctly Cuban, and Havana gave to Cuba's hero a royal welcome. He entered the city triumphant, though not as a conqueror, to be greeted by the plaudits of the multitude, and to stand, in the palace of Spain's many Governors, in the very room in which plan after plan had been formed for his capture, his overthrow, or his death. He came to occupy, for a time, the summer palace of the Spanish Governor-General, by the invitation of those who had made his visit to Havana a possibility. A vast parade of military organizations and civic societies wound through the narrow streets of the city, bordered throughout its way by dense masses of excited Cubans who shouted and cheered as they never had shouted in all their previous life.

Huge and elaborate floats formed a part of the procession. Some were of interesting significance. Two appeared as companions. The first pictured the Cuba of Yesterday. It represented desolation. Dried grass indicated wasted fields, and broken agricultural implements indicated agricultural idleness. A shackled maiden personified the Cuban people. This was followed by the contrasting float — the Cuba of To-morrow. Over a parquet flooring, surrounded by festoons, flowers, and banners, there presided the bright goddess of a free and happy people. This was a bit of characteristic significance. It indicated a return to pleasure on the part of a pleasure-loving people, a people to whom work was a means to an end, rather than the return to industry on the part of an industrious people. The first float was a wasted field. The second was a ball-room. In one carriage three young ladies represented Cuba, Spain, and the United States. Each carried the flag of the respective countries. Significance lay in the fact that the Spanish flag was not torn from the group by some hot-headed patriot, and that, on the contrary, the combination called out abundant applause. The union of the Cuban flag and the stars and stripes was frequent, and, in nearly every instance, those who bore them sat with linked hands.

The immediate presence of General Gomez was undoubtedly a disturbing element. It emphasized the quarrel which the *Asamblea* had made with him, and some friction occurred between their respective followers. Difficulty also arose from the fact of the recognition of Gomez by the American authorities, who had persistently declined any recognition of the *Asamblea*. Gomez essayed no interference in the process of affairs, and made himself of service in various ways. Due recognition of his place and influence was made by liberal contributions from the insular fund for

his pecuniary needs. This "gratuity" was only a little less than the pay and revenue of the Military Governor. Gomez soon ceased to be an active factor in Cuban affairs, though, until the last, he remained an element, sometimes helpful and sometimes disturbing, in political processes. The Constitution made it possible for him to become the first president of the Republic of Cuba, but his elevation to that position by the choice of the people was at all times a matter of no little doubt. He had too deeply offended many of both the political and the military leaders. He remains and will ever remain the great and romantic figure in the history of Cuba's struggles for national independence.

The year 1899 may be divided into three periods, although there was, of necessity, a general overlapping. They occur in the following order: First — The resolution of chaotic conditions; Second — Construction and reconstruction of governmental machinery; and Third — The operation of that machinery. A fundamental requirement in all these processes was the establishment of peace and order. For this, both a city and a rural police were necessary. The provost marshal's guard, imperative in the earlier days, was an offensive institution to the people, as too strongly suggestive of the old Spanish military government. For a time the Cuban army voluntarily assumed the functions of Rural Guard and of police in the larger towns. The valuable services of ex-Superintendent of Police John B. McCullagh, of New York, were secured for the organization of a municipal police for the city of Havana. On March 1, a uniformed and equipped and partly drilled force of about one thousand men was entrusted with the maintenance of law and order in that city. With proper allowance for faults due to lack of experience, the work of this organization has been highly creditable, though it should not be

forgotten that the work of any Cuban police is greatly simplified by the fact that the Cubans are neither a turbulent nor a drunken people. A local detective force was also organized under the efficient direction of ex-sergeant Crowley, of New York. In addition to the municipal police of the different cities, a Rural Guard, for the maintenance of order throughout the country areas, was organized in all of the provinces of the Island with the exception of Matanzas. This exception is accounted for not by any less need for them in that province, but by the evidently justified belief of the department commander, General Wilson, that the system was un-American and savored too greatly of the old Spanish method. It was that officer's opinion that the proper course was the effective organization of the Municipal Police, and his experience in Matanzas Province amply endorsed his opinion. It will be remembered that the Cuban municipality includes the rural as well as the urban districts. The Rural Guard, as it was organized, was composed of and officered by those who had served in the Cuban army. It was of unquestionable service and furnished paid employment to some twelve hundred men. While the system is open to many objections as a system, through the ready possibility of its misuse in the hands of an unscrupulous central government, and while many of these objections would have been eliminated by the institution of a municipal police, there can be no doubt that the body was of important service in the Island.

Naturally, the retiring government left an empty insular treasury. This was soon remedied by receipts from various sources, and the first eight months of the year 1899 show a revenue of some \$10,000,000. The administration of the fiscal department was simplified and rendered more effective by the appointment, on February 2, of Major Eugene

**F. Ladd as Treasurer and Disbursing Officer of Customs.** By Headquarters Order of March 18, Major Ladd was appointed Auditor of the Island of Cuba, and, on July 1, he was appointed as the insular Treasurer. It is to be said of Major Ladd that not only did he make himself cordially liked and sincerely respected by all who came into contact with him, but, as well, that of the more than \$30,000,000 which passed through his department during his incumbency, every cent was duly accounted for.

The insular financial system made its early and imperative demand for attention and regulation. The monetary system was in itself complex. The gold in circulation consisted of both Spanish and French coins. To prevent their exportation, an artificial value had been placed upon them by Spanish law. Thus, the actual value of a Spanish *centen* might be equivalent to \$4.82 in American money. Its value in circulation was counted at \$5.30. Silver money, in its relation to gold, showed constant and sometimes marked fluctuation. Throughout Havana there were many small shops and offices, known as *cambios*, or exchanges, which derived a fair income from the conversion of these fluctuating mediums. Into the already complicated system, there came American gold, paper, and silver with still other circulating values. The order establishing an official ratio of these various coins, for use in the custom house, post-office, etc., had little effect on their use in general circulation, and Americans and visiting strangers found in the system much that was perplexing and annoying.

As a natural result of disturbed conditions and a change of government, both insular and municipal treasuries were empty, and the entire fiscal system in a deranged condition. During earlier days, an office, known as the *Intendencia*, had been vested with almost unrestricted power of extract-

ing revenue from the Island. With the introduction of the nominal autonomy of 1897-1898, changes were effected in the old system. These, of brief duration and ineffective operation, only served to pile confusion upon confusion. Reorganization of revenue, auditing, and systems of taxation were imperative. On February 10, an order was issued remitting "all taxes due, under Spanish laws in force in this Island, and unpaid on Jan. 1, 1899," with the exception of taxes on railway passengers and freight, collected and held by the various railway companies. Various other Spanish taxes were abolished, including, by an order of March 25, the tax known as the *Consumo de Ganado*, which added four and one quarter cents per kilo to all market beef. By the same order —

"All taxes and imposts on articles of prime necessity, such as food and fuel, including kindling wood, coal, and charcoal, are also hereby abolished, with the exception of those imposed on distilled and fermented alcoholic liquors.

"No municipality shall be allowed to place a tax on the importation or exportation of merchandise or cattle, and all municipal taxes now affecting those articles are hereby abolished."

Modification and regulation were effected in the taxation of urban and rural property and in the system of industrial taxes. The internal excise tax, on wholesale and retail sale of alcohol, spirits, and liquors, was greatly increased and constituted a revenue of the municipalities instead of the State. Under the old system, fees were necessary for the obtaining of academic or professional degrees of their various kinds. These fees were abolished, and students could attach letters to their names, without payment, after passing the proper examination. On April 19, all war taxes

were abolished, and adjustment effected in other branches of taxation. On June 14, an order provided for the return, to actual owners, of all property, urban or rural, then held by the State or by a municipality as a result of proceedings for the collection of taxes, subject to certain prescribed regulations.

A condition quite unfamiliar to Americans existed in the church ownership of many of the cemeteries of the Island. A few were owned by the municipalities, but the majority were the property of the dominant church, whose officials collected fees for burial and rental for burying ground. Some confusion existed in the administration of the two systems. The attempt to regulate this, upon a basis of incomplete information, led to further entanglement until its later settlement was effected upon a basis fairly acceptable to both parties.

The condition of the marriage laws was also productive of confusion. The old Spanish system recognized no marriages as legal save those solemnized under the authority of the Roman Catholic Church. A provision had been made for the legality of the civil marriage of non-Catholic persons. But as the Island people were, with few exceptions, of the Roman Catholic faith, the civil marriage was unusual. The religious marriage was imperative for all Catholics. With the complete separation of Church and State, which followed the expulsion of the Spanish Government, a new order became necessary. On May 31, there was issued Order No. 66. Its first article is as follows:—“Hereafter civil marriages only shall be legally valid. The contracting parties may conform to the precepts of whatever religion they may profess, in addition to the formalities necessary to contract the civil marriage.”

The order also made provision for the validation of pre-

vious marriages, for proper registration, and fixed the marriage fee at one dollar, or its equivalent, in American money. The intention of this law was, unquestionably, entirely worthy. Yet much confusion followed it, and its repeal became necessary. Its author, Señor Lanuza, the Secretary of Justice, occupies something more than six pages of his official report in an explanation and a defence of the measure. It is interesting to note in the report of General Wood, for the year 1900, that when a change was proposed, eighty out of one hundred and seven municipalities declared for its continuance. The members of the Supreme Court, with one exception, also favored its continuance, as did three of the six Provincial Governors and a majority of the Judges of the First Instance. Its notable opponent was the Roman Catholic Church, headed by the Archbishop of Santiago and the Bishop of Havana. Their influence prevailed, and Order No. 307 was issued on Aug. 8, 1900. This order declared that marriage "may be civil or religious at the option of the contracting parties," and provides the conditions under which each is to be regarded as legally valid.

Order No. 66 was issued in all good faith, at the instance of the Cuban Secretary of Justice, and was in no way an American or a Protestant attempt to undermine or interfere with the processes or position of the Roman Catholic Church. A new law was necessary by reason of the changed relations between the Church and the State. It is unfortunate that the Cuban functionary should have drafted so radical a measure, and it is equally unfortunate that General Brooke gave it his approval. It gave needless offence to the Church, and gave ground for no little unjust criticism.

On August 19 an important order was issued under the authority of the United States directing the preparation

of a census report covering the population of the Island, its agricultural conditions and its products, and a full report of the educational conditions. Lieut. Col. J. P. Sanger, of the Inspector General's Department of the United States Army, was appointed Director of the Census, with Mr. Victor H. Olmstead as Assistant Director. Six Cubans were appointed as supervisors. Cubans were also employed as enumerators. Endless difficulties were encountered in the performance of the work, but the result was the compilation and publication of a volume of great interest and high importance. It reviews, in brief, the history and the past government of the Island, its geography, flora, and fauna, the character and the occupations of the people, and their educational and sociological conditions, with full tabulation of the industrial features. Reports at various times from 1768 to 1887 had been made by the Spanish authorities, but all were inaccurate and rudimentary. Many of them were little else than general estimates. Colonel Sanger's work was broadly and effectively accomplished.

In February, 1899, the American Congress passed a bill, known as the Foraker law, prohibiting the granting of franchises or concessions during the period of American occupation. Such a law must, of necessity, produce both beneficial and detrimental results. Viewed broadly, there can be no question that it has been of great and lasting service to the Island and its people. Scores of promoters and irresponsible speculators turned longing eyes toward a land so generally destitute as Cuba was of those institutions known as "modern improvements." Steam railways and electric lines, telegraph systems, and all departments in which monopoly becomes a desirable possession, were among the special rights sought by plausible but irresponsible men who desired them that they might dispose of them

at large figures to responsible parties who might then undertake their development. Against this tide of generally impudent speculators, whose aim was to obtain much while giving little or no equivalent, Cuba was guarded by the Foraker Law. On the other hand, that law doubtless operated to stop certain lines of important development of the Island and its resources, which would have been of marked advantage. These, however, were only delayed, not improbably with some measure of advantage in the delay, inasmuch as a better knowledge of conditions was gained during the waiting period.

During a time of such inevitable confusion, attended by a general lack of adequate information on the part of the new authorities, it must be admitted that much was done that should not have been done, and much more was not done that might have been better done. The most serious mistake unquestionably lay in the failure to give due attention to that feature which is the key to peace and order in Cuba — her economic welfare. Political entanglements and social disorganization forced themselves into prominence and demanded the time and attention of the insular government. The immediate distress was relieved, and much was accomplished in the solution of the many vexing political problems. The Cuban people turned in hopeful patience to the resumption of their industries with such limited resources as they could command.

A number of prominent Cubans urged upon the Government the necessity for assisting the agricultural classes who constitute a large percentage of the Island people. Others would have been glad to give their counsel and express their views, but the step was somewhat too radical for all save a few of a people in whose experience the tendering of advice or suggestion to their rulers was not a customary

proceeding. Their only resource in earlier days had been revolt, and many of those who would gladly have spoken, lacked the courage to do so. One incident along the line of industrial relief may be noted. I quote from the report of Maj. Gen. James H. Wilson, then Military Governor of the provinces of Matanzas and Santa Clara.

"An experiment, in a small way, has been made with much success in the tobacco region near Sagua la Grande of supplying farmers with oxen and implements at cost price and on reasonable terms of payment, and sending them out from the town to establish themselves in colonies. It was desired to locate them on land where they could eventually buy their farms at fair prices, to be fixed beforehand. It was found, however, that the owners of large tracts were generally unwilling to part with small pieces for fear that they should have the remnants on their own hands. The experiment is, however, entirely successful in its main features. The farmers are all self-supporting and many of them will anticipate the payments upon their cattle and implements. A similar experiment has been made and similar results obtained at Sancti Spiritus under the supervision of Captain Fremont, 2d Infantry, aided by Father Castillo, a worthy parish priest of that city. At the urgent solicitation of the Civil Governor of the Province of Matanzas help of the same sort was extended to twenty-two families in the neighborhood of the City of Matanzas, but owing to the lateness of the season and the less advantageous situation of the farmers, the result has not been quite so satisfactory. The cattle were young and unbroken, but have materially improved in value, and in several instances the purchasers will be able to anticipate payments due upon them, but for the most part the experiment has not gone far enough to justify the statement that it is entirely successful."

The value of work of this character was illustrated in the comparatively rapid rehabilitation of the tobacco areas, notably in the Vuelta Abajo district of the province of Pinar del Rio. That district was soon put fairly upon its feet

as a result of the commercial needs of manufacturers of and dealers in tobacco. The plant makes a quick crop, and agents of Havana and American merchants made cash advances, holding the growing crops as security. This was impossible in the larger and more important department of sugar cultivation upon which, directly and indirectly, a large proportion of the Island people are immediately dependent.

The closing weeks of the year saw the initial steps in a department which makes special appeal to the American people — that of school establishment. On November 2, a headquarters order was issued which created a new office in the Department of Justice and Public Instruction. This was to be known as that of Superintendent of Schools in Cuba. Mr. Alexis E. Frye was appointed to the position. On December 6 an order was issued which in its form and purpose constituted a school law. This was drafted by Mr. Frye. It provided for Boards of Education, school establishment, books, and subjects of study. Paragraph VII provided that

“Boards of Education shall make all necessary arrangements for opening the elementary (primary and grammar) schools by Dec. 11, 1899, or as soon thereafter as possible, and to that end will rent rooms or buildings, supply suitable equipment, and employ teachers. Each of said Boards is hereby authorized to expend a sum not exceeding fifty dollars, for furniture for each school room, but no further purchase of school furniture shall be made without the approval of the Secretary of Justice and Public Instruction.”

Thus was begun America’s work in the establishment of a new order of educational methods in Cuba, under the authority of General Brooke, although the credit for school establishment has been given to his successor.

Of the work of the Cuban Cabinet it is to be said that it

became the subject of no little adverse criticism. It is quite probable that any other group which might have been selected to carry on a government under an alien governor would have been similarly criticised. In what was doubtless a desire to give to the Cubans the fullest possible measure of influence in their own affairs, General Brooke gave to his Secretaries a very free hand. So much was given that it became a common saying in the Island that "The American Governor reigns, but the Cuban Secretaries govern." These gentlemen were without experience in government along the lines of the new institution. It was natural that all their methods bore the stamp of the only government with which they were at all familiar — that of the old Spanish system of centralization and partisan supremacy. The result was the creation of a political machine whose lines extended throughout the Island. The continuance, by American authority, of the Spanish laws in their entirety, made this readily possible. Perhaps its most unfortunate result lay in the prominent recognition of the old *militares* element, and the practical exclusion of a large class of citizens of intellectual capacity, social standing, and large property interests.

Another important order of the closing year was that of November 17, which recognized the disordered condition of the finances of the municipalities of the Island, and provided a monthly appropriation for the maintenance of the municipal police.

On December 20, General Brooke was relieved of his command in Cuba, and was succeeded by Gen. Leonard Wood, formerly Military Governor of Santiago Province. Upon his withdrawal, General Brooke issued a proclamation from which the following may be quoted:

"A year ago I found a country most thoroughly devastated, its resources and commerce destroyed, its rural population gathered in its towns without food and without shelter, dying from starvation and exposure. The Government of the United States immediately supplied food and work; in a short time this terrible condition passed away, and now the country is rapidly pressing on to a prosperity hitherto unknown in its history. Look about you and see how true this is. The various steps which led up to the present conditions are well known to you and need not be mentioned here. The change is truly marvellous.

"Without a semblance of civil government then, you now have a complete organization of your municipal and provincial governments all in the hands of your own citizens, the 'Military control' being purely advisory and supervisory; many of your laws have been modified and changed to suit the times in which you live, as well as in the interest of good government; your courts have been reorganized and are in operation; peace reigns; law and order rules; and by your own industry and a careful observance of these conditions the full restoration of your social affairs and prosperity is assured."

It is only natural that such an experience as that of our first year in Cuba should be open to much of both praise and censure. To praise without limit, as some have done, is foolish. To condemn without limit, is unjust. The notable weakness lay in the lack of a definite and openly declared policy. The terms of the Joint Resolution were fresh in the public mind. The American people accepted that as the declaration of the American policy. Yet, notwithstanding the specific statement of that resolution, American officials, both political and military, openly asserted that the American flag would never be hauled down in the Island of Cuba. Visitors to the Island, few of whom possessed even a shadow of competent information, returned to the United States with loudly voiced opinions of Cuban

incapacity for self-government. A doubt of the good faith of the United States developed even within the opening days of the American occupation. This continued up to the very time of the transfer, in May, 1902. Apologists for our conduct of Cuban affairs are disposed to ridicule this proposition, but it remains a fact that our attitude and our actions in Cuba during this first year laid the foundation for a prevalent belief in the Island that the United States intended to stay in Cuba in spite of the Teller Amendment to the Joint Resolution.

Praise in most abundant measure is due to those subordinate officials, staff men and department men, almost all of whom were officers in our regular army, for the faithful performance of their duties. To commend these men by name would involve the publication of almost the entire roster of the American officers serving in Cuba. The work which they did is open to little save the highest commendation. But it is to be regretted that the general policy of the administration, as dictated by the authorities in Washington, was so vague that many of them, without dispute or reprimand, frankly and openly declared their conviction that their country would be recreant to its trust and false to its pledges. American Congressmen also endorsed and supported this opinion. There is ample ground for belief that the President and others at Washington were widely misled by some whose opinions were incompetent, and by others who had special interests to foster. It was a time of much confusion in affairs and in opinions, and the truth of the situation was not easily obtainable. There were those who thought that the United States, having specifically declared its purpose, should work unswervingly toward the accomplishment of that purpose. There were others who upheld a policy of opportunism, and there is, unfortunately,

little room for doubt that the administration followed the latter plan.

The notably weak point in our relations with Cuba lay in our failure to work directly and definitely toward the fulfilment of our pledge as expressed in the Teller Amendment. The strong point lay in the fidelity with which individual representatives of the Government of Intervention discharged the duties which were placed in their hands. One fact in the work of this first year has been unduly overlooked. It has become the custom to give the credit for our accomplishments in Cuba to the successor of General Brooke. The fact is that the broad foundation, and no small part of the main structure of our work in Cuba, was laid and built during the first year of our occupation. To the untiring energy of General Ludlow the credit is really due for the cleansing of Havana. General Brooke began the establishment of schools. Bliss, in the Custom House; Ladd, in the Treasury; Greble, in the Department of Relief Work; and a score or two of efficient men in other and in subordinate departments in Havana and other cities, all had their work in excellent running order at the close of the year 1899 when General Wood succeeded General Brooke as Military Governor of Cuba. The new incumbent reversed the system which developed under his predecessor. General Brooke's Cuban appointees made a tool of their chief. General Wood made tools of his Cuban appointees. General Brooke's Cabinet established an elaborate bureaucracy. General Wood essayed autocracy and met with notable success in his effort.

A readily comprehensible statement of the finances for the year is not easily to be made. The bookkeeping of the first six months was not notably systematic, but there is no ground whatever for even a suspicion of irregularity of any

kind. Certain measures were imperative. Hundreds, perhaps thousands, of lives were at stake, and it was no time to stand on special methods or processes. Red-tape was cut and the needful work was done, and it was done honestly and effectively. In the statement for the year, the "Receipts from all sources," from January 1 to August 31, are given as \$10,373,786.16. By that time, the machinery was in better running order, and the statement for the year, up to the date of General Brooke's retirement from the island, December 15, stands as follows:

Receipts January 1 to August 31 .....	\$10,373,788.16
Receipts Customs, September 1 to December 15 ..	4,709,358.65
Receipts Postal Service, September 1 to December 15.	57,152.25
Receipts Internal Revenue, Sept. 1 to Dec. 15 .....	238,278.04
Receipts Miscellaneous, Sept. 1 to Dec. 15.....	113,302.83
 Total .....	 \$15,491,859.93

The expenditures for the same period are given as \$13,927,380.79. Among the purposes to which this sum was appropriated, there appear the following:

Barracks and Quarters (principally for the occupation of American troops) .....	\$1,137,404.22
Sanitation .....	3,035,404.80
(Of this sum, the City of Havana rec'd \$2,020,937.86)	
Rural Police and Administration .....	2,172,782.99
Public Works, Ports, etc .....	582,469.12
Charities and Hospitals and Aid to Destitute .....	990,781.81
Expenses of Municipalities .....	1,299,179.97
Quarantine .....	119,790.41
Miscellaneous .....	376,699.14
State and Government .....	594,518.65
Justice and Public Instruction .....	669,332.08
Department of Finance .....	527,458.86
Department of Agriculture and Public Works .....	286,578.81
Civil Government .....	248,295.10
Census .....	349,777.37

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After making allowance for all accounts in suspense, General Brooke turned over to his successor in office, a sum which, in round figures, amounted to \$2,000,000.

As given by Collector of Customs Bliss, in his report for 1902 (Tables 28 and 37), the statistics of foreign trade for the year 1899 appear as follows:

Total imports (including bullion) .....	\$74,845,186.00
Total exports .....	49,327,724.00

Of the imports, \$37,188,597 came from the United States, and \$37,656,589 from all other countries. Of the exports, \$34,881,738 went to the United States, and \$14,945,986 to all other countries.

## CHAPTER IX

### THE SECOND YEAR OF OCCUPATION

GENERAL JOHN R. BROOKE, the first American Military Governor of Cuba, was a soldier with a soldier's training. He was approaching the year of his retirement, and had grown gray in the service of his country. His only ambition was that of the true soldier — to do the work to which he was assigned according to the best of his ability. He had no special interests to serve and no special axes to grind. Although often severely criticised during the year of his incumbency, many a Cuban wished, afterward, that he were back again. It was remembered that, whatever his failings, he never broke a promise. General Wood, his successor, was a younger man, with an ample endowment of personal ambition.

The new Military Governor of Cuba was not in full accord with the views expressed in the proclamation of his retiring predecessor. In his report, after reviewing the organization of the insular administration, General Wood says:

"The country was, generally speaking, tranquil. There were in certain sections small groups of bandits. General conditions were improving throughout the Island. A large tobacco crop and a small sugar crop were in prospect.

"A new school law, somewhat rudimentary in character but believed sufficiently complete for immediate needs, had been published in order to permit the preliminary establishment of schools,

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the efficient operation of which would cost several hundred thousand dollars per month. The schools were practically without school furniture and the amount of supplies and materials was very small.

"The crowded condition of the jails, filled with untried prisoners, indicated only too clearly an inefficient administration of justice. Generally speaking, jails and hospitals were all in need of refitting and repairs. In the Department of Public Works, a systematic and well-defined plan of operation was needed in order that the main lines of communication might be opened with as little delay as possible. . . . All municipalities were in debt and without revenues sufficient for their maintenance, necessitating monthly allotments from the treasury of the Island."

With the opening of the new administration, the Secretaries of the former government tendered their resignations, which were accepted. An order of Jan. 1, 1900, filled the vacancies, as follows:

Secretary of State and Government .....	Diego Tamayo.
Secretary of Finance .....	Enrique José de Varona.
Secretary of Justice .....	Luis Estévez.
Secretary of Agriculture .....	Juan Ruis Rivera.
Secretary of Public Instruction .....	Juan Bautista Barreiro.
Secretary of Public Works .....	Jose Ramon Villalón.

This, by the division of two of the former departments, established six secretaryships in place of four. Various changes were made during the year. Señor Rivera resigned on May 1, and was succeeded by Perfecto Lacoste. Señor Estévez resigned on the same date, and was succeeded by Señor Barreiro, whose place in the Department of Public Instruction was filled by the transfer of Señor Varona. Leopoldo Cancio was made Secretary of Finance *vice* Señor Varona. Señor Barreiro's resignation, on August 11, made place for Miguel Gener y Rincon. Many changes were made in the sub-secretaryships and various minor offices.

By these changes, an effort was made, in theory at least, to counteract the tendency toward that governmental centralization which had marked the experience of the former Cabinet. It can hardly be contended that the effort was notably successful. So actively did the new incumbent concern himself in the details of administration throughout the Island that the change was rather one of form than of fact. It substituted autocracy for bureaucracy and made the bureau the instrument of the Military Governor. The Civil Orders issued during the second year about doubled in number those issued by General Brooke.

The special activities of General Wood were exercised in two directions, with a third only less prominent. These were education and sanitation, with legal reform for the third. He became dissatisfied with the somewhat diffuse methods of Superintendent Frye, who was establishing schools at an amazing rate throughout the Island, but after a method which was at least unsystematic and lacking in proper regulation and record. For the confusion which followed, Mr. Frye disclaims all responsibility, and alleges interference and unfaith on the part of the Military Governor. Out of the experience there has grown a somewhat acrimonious dispute which might be called the Wood-Frye controversy. While the affair is somewhat complicated, the evidence which has appeared, official and non-official, points clearly to a conclusion that Mr. Frye was acting under a duly promulgated school law, and that he acted entirely within the provisions of that law. It also appears clearly that the Military Governor failed to support him by carrying out the further provisions of the law in departments which did not come within the scope of Mr. Frye's duties and responsibilities. Testifying under oath before the Senate Committee on Military Affairs, on Dec. 9, 1903, Mr.

Frye preferred severe charges against General Wood, and supported them with documentary evidence. Among others, he made the following statement:

Q. That is what you claim he was doing — destroying the schools?

A. I do not say he was destroying them deliberately, but the effect of his orders was to destroy them, and, personally, I think it was simply to create the necessity for the new school law to be published by himself, and thus throw discredit upon General Brooke.

Whether or not Mr. Frye was justified in thus assailing General Wood's motives, two facts remain. One is that somewhat more than ninety per cent of all the schools in Cuba were organized and established under the Brooke law of Dec. 6, 1899, and the other is that this law was superseded by another issued by General Wood on June 30, 1900. This contained certain provisions which are the basis of other charges made by Mr. Frye, and was in its turn followed by a revision which was issued as Order No. 368, on Aug. 1, 1900. This continued as the School Law of the Island for the remainder of the term of American occupation. It was drafted by Lieut. Matthew E. Hanna, of the Governor General's staff, and was based upon the laws of the State of Ohio. To Lieutenant Hanna is due great credit for the systematizing of the entire school work of the Island. Monthly reports were required from every school, and an efficient system of tabulation enabled one to see at a glance just what was being done in each and in all.

So much stress has been laid upon the educational work of the American Government during the years 1900 and 1901 that an incorrect impression has been left upon the public mind. Contrary to a widely prevalent idea, a school system existed under the Spanish Government. That it was both

corrupt and inefficient may be admitted, but the Island was not so benighted as to be utterly destitute of such an institution. As far back as the year 1571, there are recorded gifts and legacies for the establishment and maintenance of educational institutions. In 1817, there were about ninety schools in the Island, supported by voluntary contributions. Public instruction was instituted, for the first time in the history of the Island, by the law of 1842.

This law appears to have been only indifferently effective. During the succeeding decade, Captain General Concha introduced a far more efficient system, and made school establishment and maintenance obligatory upon the town councils. In 1863, the public school laws of Spain were extended to the Island, and school-teaching became a profession. Compared with our own system, the Spanish school laws and customs were a somewhat benighted outfit. The schools easily fell under the dominant influence of the church establishment, and teacherships became a matter of personal and political traffic. School-houses, as distinct edifices erected for school purposes, were unknown. During Spanish times, schools were usually held at the residence of the teacher. This was prohibited under the American system, which required the renting of buildings suitable for school purposes. There were also many private schools.

While the law of 1842, and those of later promulgation, established public schools, and, presumably, made provision for their maintenance, there was nothing which corresponded to our free-school system. A tuition fee was imposed upon all until December, 1880, when a law was passed by which the children of those who were unable to pay a fee were admitted to the elementary schools without payment. By the same law, of December, 1880, school attendance was made obligatory, and the general system was enlarged and

improved. So far as school laws were concerned, Cuba, under Spanish control, was fairly well equipped, and, notwithstanding the many and glaring crudities and irregularities of its administration, Cuba had a school system. Nor would it appear, from a comparison of tables of statistics, that Cuba was much worse off, in point of illiteracy, than are some of our own Southern and Southwestern States at the present time.

The Cuban school system on Jan. 1, 1895, is reported by the Department of Public Instruction, as follows:

Public Schools .....	904
Private Schools .....	740
Colleges .....	70
Public School Teachers .....	998
Public School Pupils .....	36,306
Private School Pupils .....	25,384
College Pupils.....	2,265

The cost of maintenance is reported as follows:

Public Schools .....	\$716,892.52
Provincial Institutes .....	118,735.20
University of Havana .....	134,350.00
Art, Normal, and Professional Schools.....	45,850.00
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	\$1,015,927.72

Two-thirds of this sum was covered by matriculation fees.

During the term of his incumbency, the time and attention of General Brooke were commanded by matters of more immediate moment than that of school establishment. Yet, during the year, much was done, by Department Commanders, which paved the way for the later work, and, when the more immediately important governmental work had become settled into something of routine, General Brooke laid the foundation upon which the later structure was built. To

the period of his administration is undoubtedly due the credit for the inception of our educational work in the Island. In view of these facts, it is unfortunate that General Wood's later relations with General Brooke's appointee, Mr. Alexis E. Frye, should have led him to submit a report upon the school question which reflects upon the work of his predecessor in office, and which tends to rob General Brooke of the credit which is really his due. In that report, General Wood states that "A certain number of schools had been opened, but it was under the old system, or rather, lack of system. There were no proper text-books, no desks, no school materials. The children were perched on benches without regard to size. No attempt was made to grade or classify them, nor was there any settled procedure in the school methods; in short, public instruction was without organization and of little value."

While the general accuracy of this, as a statement of fact, may not be questioned, it unduly and unjustly ignores that which had been done and the very sound reasons for the failure to do more.

By an order issued on Jan. 24, 1900, the new Military Governor established a "Board of Superintendents of Schools." The appointees of this board were Messrs. Alexis E. Frye, Estéban Borrero Echeverria, and Lincoln de Zayas. These gentlemen proceeded to act under the school law issued on Dec. 6, 1899. That provided for municipal boards of education, and for the payment of teachers and the rental of buildings for school purposes. It authorized the expenditure of a "sum not exceeding \$50 for furniture for each school-room." When this became known, applications for the appropriation poured in by hundreds. Within six months, the number of schools rose from 635 to 3,313. So overwhelming was the applica-

tion for this allotment that, on March 3, a telegraphic order was sent out forbidding the opening of any more schools. Seven hundred and three were opened during the month of January; 1788 in February. Owing to the suspension order, only 187 were opened during the following four months.

The opening of schools created a demand for teachers. It is also probable that the desire to draw the excellent pay of a Cuban teacher was, in many cases, the immediate cause of a demand for schools. The teachers of Cuba were well paid. If measured by their special qualifications in comparison with those of the United States, they were decidedly overpaid. Salaries in Havana ran up to \$75 per month; in smaller cities, \$60; and in towns, \$50. In schools in which the average daily attendance was below thirty pupils, the maximum was \$30. These salaries were continued during the summer vacation months provided the teacher attended the Normal Schools established for the education of teachers.

The sum appropriated from the insular fund for school establishment and maintenance during the year 1900 was \$4,009,460.31. This was only a little less than one-quarter of the total revenue of the Island.

It is open to question whether it was wise for a temporary government to expend upon this department so large an amount of Cuba's none too abundant revenue. For many years Cuba had shared the general ignorance of the great majority of the people of the world. Her special requirements at this time were along the line of industrial rehabilitation, in which department very little was done for the Island save that which was done by the people themselves. It was a matter of much local comment and no little criticism that so much of their money was spent for schools and so little for the establishment of the Island's industries. Had

Cuba's financial and industrial condition even approximated the normal, such an expenditure could not properly have been called in question. The matter is, perhaps, one of individual opinion concerning the importance of schools at a time when the children were so generally naked or in rags, and many of the parents were in a condition bordering on destitution, and when demands came from all over the Island for relief from the severity of industrial conditions. Had a portion of the fund thus appropriated been utilized for the industrial relief of the Cuban people, there is much reason for belief that the land would have been quickly placed in position to expend even a greater sum with far less of strain upon its financial resources.

Taking the appropriation and the number of scholars reported as in attendance (150,000), it will be seen that the cost of education per year per pupil was about \$26.50. There are cities and towns in the United States whose outlay exceeds that rate. But the average for the entire country is \$22.50. The average for our South Atlantic and South Central States is \$8.60 per year per pupil. How far this liberal expenditure was honestly endorsed by the majority of the Cuban people, it is not possible to say, notwithstanding the assertions of universal approval made by those specially interested in the measure.

During the opening months of the year, contracts to the amount of \$587,000 were placed for school supplies, furniture, books, etc., etc. Freight charges, packing, and the cost of distribution of these articles, increased the item to about three-quarters of a million of dollars. During the last half of the year, when matters were, presumably, in fair running order, some 3,600 teachers were employed at an average monthly cost of about \$170,000, or nearly \$48 per month per teacher. Headquarters Circular No. 2, dated

Jan. 24, 1900, states that "Taking into account all salaries paid in every department of the public schools of the United States, the average salary for all grades is \$525 a year, or \$75 less than the lowest salary paid to any primary teacher in a complete school in Cuba." The proper economy of the limited funds of a poverty-stricken country, as represented by this appropriation, would appear to be open to question if not to criticism.

Another important work in the department of child-life was accomplished during this year. It came as a sequel to the work of the preceding year. Thousands of homes were broken up by the war. Thousands of children were rendered homeless, and wandered, as waifs and strays, living as they could. During the year 1899, these were gathered up and cared for. But such arrangements as could then be made were, in many cases, no more than temporary. A more permanent disposition was necessary. The accomplishment of this stands to the credit of Major E. St. John Greble, the head of the Department of Charities, and his assistants in that department. Civil Order No. 271, prepared under the immediate supervision of Major Greble, was issued on July 7. Section 6, of that order, is as follows:

"It is hereby declared to be the general policy of the Island of Cuba, to be carried into effect as speedily as circumstances will permit, that destitute and delinquent children who are now, or become in the future, subjects of support from public funds, shall be cared for by the State, and shall be committed to the guardianship of the appropriate insular authorities. Such children shall be cared for, according to their respective needs, in families, training schools, or reformatories, as may from time to time be found to be advisable."

Between the first of May and the end of the year, two hundred and eighty-two children were placed in families,

though the department continued, for the time, its general supervision of their welfare. Seventeen of these were returned, for various reasons, to the asylums. Fifteen were taken in charge by relatives. At the end of the year, seventy-seven boys and one hundred and seventy-two girls were regarded as definitely provided for in Cuban homes, though two hundred and thirty-six were still under supervision. Two hundred and thirty-three of these were orphans, and two were half-orphans.

A correctional school for boys was established at Guanajay, and an industrial school, also for boys, was established at Santiago de las Vegas, a few miles from Havana. These were not local in character, but were intended for the destitute and the delinquent from the entire Island. Institutions were also opened for the shelter, the care, and, if necessary, the reformation of girls. This work was somewhat simplified by the old Spanish institutions, known as *Beneficencias*. These were found in nearly all of the larger towns of the Island. Most of them are amply endowed, and some of them are wealthy. But inasmuch as most of their holdings were in the shape of real estate securities, the results of a devastating war had deprived them of the major portion of their income. Many of them had fallen into a lamentable condition. The reestablishment of these institutions upon an efficient basis formed a part of the work of the first year of the intervention, and maintenance of them was a part of the work of the succeeding years.

With the lapse of all organized municipal government, consequent upon the disturbances of the war, it might be said that the Island in general and the cities in particular had fallen, through neglect, into an appallingly unsanitary condition. During his régime, General Brooke expended upward of \$3,000,000 in this important department, two-

thirds of which was allotted to the City of Havana. A similar amount was expended during the second year of American administration. The primary purpose of this heavy expenditure was the stamping out of disease, notably the much-dreaded yellow fever. In this connection it is of interest to note the comment of Chief Surgeon Havard. In his report for 1900, that gentleman says: "The part played by dirt and filth in the breeding and propagation of the fever was always problematical; now we know that they have nothing to do with it except inasmuch as they may attract and feed mosquitoes. It is certain that in Havana, in 1900, no visible correlation could be seen between dirt and yellow fever." Although it now appears to be clear that dirty streets and accumulated heaps of refuse are only remotely connected with the dissemination of yellow fever, the object lesson taught in the department of municipal cleanliness cannot fail to be of service in the days to come. The only question concerning the work lies in the now useless proposition whether a better and more important use might not have been found for the large sums expended from the insular treasury.

The credit for American accomplishment in this department is generally accorded to General Wood. The notable cleanliness of Havana is properly due to Gen. William Ludlow, the Military Governor of the Department of Havana during the first eighteen months of the American administration. That which General Wood, as Military Governor of Santiago, during the year 1899, was doing in his department, was also being done by all Department Commanders to such extent as was possible with the funds allotted to them. In all of these departments, an efficient system was inaugurated during 1899, and the close of the year saw the Island cities cleaner than most American cities, sanitary

and street-cleaning departments organized and in excellent working order. General Wood, coming to the position of chief authority in the Island, found sanitary work reduced to a routine which called for no changes of any importance. The methods which had been adopted were sound and efficient. The new incumbent had little to do except to continue them.

A detailed review of the sanitary work seems unnecessary here. Such a review is open only to general eulogium, and detailed account of the number of carts employed, the tons of offal and debris removed, the system of house to house inspection, and the routine of operations. All this, in full detail, is obtainable in special and voluminous reports issued by the department in Washington. Two notable points in connection with the sanitary work call for consideration. A primary object in it all was the conservation of American interests through the eradication of yellow fever germs. America was deeply concerned by a belief that the existing conditions, notably in Havana, constituted a perpetual manace to her southern ports through the introduction of the dreaded fever. This fear was warranted, although it was later determined that the special danger centre did not lie where it was generally supposed to, namely, in unsanitary conditions. The direct responsibility for the dissemination of the disease was found to lie with a certain species of mosquito, which it was possible to fight effectively with inexpensive coal-oil, by the draining or the filling up of all pools of standing water, whether large or small, and by the isolation of all foci of infection.

Much credit for this discovery belongs to a Cuban physician, Dr. Finlay. Even more is due to Surgeon Major Walter Reed, U. S. A. It was the good fortune of both Cuba and the United States that Major Reed was able to present his views and the results of his study to a Military

Governor who had received a medical training. The technical presentation of those results appealed to General Wood as it might not have done had he been trained as a soldier or a politician. A sum of money was appropriated from the insular fund, and placed at the disposal of the Medical Department for further and more exhaustive investigation. The result of a long series of most interesting experiments was the establishment of the fact that the notably, and perhaps exclusively, mischievous agent was the female of a certain species of mosquito. This, for both countries and for the world as well, can only be regarded as one of the most important and valuable results of America's work in Cuba.

The other point which arises in this connection is the much-vexed question of the sewerage and paving of the City of Havana. In the autumn of 1898, Col. George E. Waring, of New York, was sent to Havana to report upon this question, which was, at that time, regarded as of the utmost importance to the United States. The people of Havana desired the proper sewerage and paving of their city, but the emphatic demand for the prosecution of the work came from the United States. The story is long, complex, and contradictory. Its real starting point, so far as the United States is concerned, lies in the fact that the Spanish Government had already taken steps toward the prosecution of the work, and that the responsibility for failure to proceed with it, up to the time of the American withdrawal, rests, almost absolutely, with the American administration of the Island.

The history of the case may be reviewed briefly, as follows: In 1894, the authorities of the City of Havana called for the submission of plans for sewerage and paving the city. On December 11, of the same year, the *Alcalde* of Havana approved the resolution of the *Ayuntamiento* to authorize an American firm, Messrs. M. J. Dady & Co., to submit

such plans. On Oct. 30, 1895, the *Ayuntamiento* approved and accepted one of eighteen projects submitted by Dady & Co. Under the Spanish law, enterprises of this nature are of two parts — the technical and the financial. By this act of October 30, the technical department was covered in the acceptance, by constituted authority, of a project duly passed upon and approved by the official engineers. The project was accepted, but the contract remained inchoate until the means were provided for the payment thereof.

It was generally conceded that the owner of the accepted project became entitled, under the Spanish law of *Tanteo*, to certain rights and claims whenever, in accordance with that law, the project was placed upon the market for bids for its execution. At the request of General Weyler, then Governor General, Messrs. Dady & Co. submitted a proposition to undertake the work at a specified price, and to accept in payment bonds of the City of Havana at ninety, secured by a special mortgage. The matter was, in accordance with the law, referred to the Finance Committee of the City Council for its action.

The political and military activity of the time involved a prolonged delay. On Dec. 12, 1898, the Finance Committee approved the proposition for a bond issue. On December 17, the corporation voted to accept the proposition. But the approval and signature of the Governor General were needed for completion. On the day following, General Castellanos, at the special request of the American Evacuation Committee, issued the following order to the Havana authorities:

"In view of the present exceptional conditions and as the only superior authority in these moments, until the sovereignty of Spain ceases in this Island, I have deemed it advisable to order that this

corporation shall not make contracts of any kind referring to sewerage or other works whose execution cannot be completed in the time which remains to this sovereignty. Also all the concessions made since I took charge of the command of this Island, and which are under consideration, shall remain in suspense until the new authorities resolve what they consider proper."

Thus the case stood on Jan. 1, 1899. With any question of the methods which may have been employed to bring the proceedings to their stage at that time, the United States had nothing to do. Its only consideration was the status of the transaction at the time of American occupation. The matter came into the department commanded by General Ludlow, who was an experienced officer of the United States Engineer Corps. He stated frankly his desire to proceed with the work, under his own charge and supervision. Instead of recognizing the claims of Messrs. Dady & Co., and endeavoring to effect an adjustment of them, or refusing to recognize them, and leaving Dady & Co. to look for redress through the courts, General Ludlow held the company in suspense. After about a year of such investigation and of the drafting of new plans upon his own lines and ideas, General Ludlow reported that "the Department now has final plans and estimates that can be put into effect whenever it shall be practicable to obtain the funds." Yet work upon those plans, conducted at a cost of many thousands of dollars, was continued for at least two years more. Experts were brought from the United States, and changes were continually made in plans, specifications, and estimates until the matter became an affair of no little confusion and much wordy discussion. In a letter to the "*Alcalde* and *Ayuntamiento* of Havana," under date of Sept. 26, 1900, General Wood referred to those plans as "modifications" of those presented by Dady & Co.

As time went on the matter became more and more confused, and the Military Governor played fast-and-loose with Dady & Co., who stood by their claims and insisted upon recognition of them. Committees sat in consideration of them only to have their findings promptly rejected by the Engineering Department of the American Government. At last, about the first of April, 1901, General Wood, by an arbitrary, if not illegal proceeding, paid to Dady & Co. the sum of \$250,000 for all their rights, in law and equity, in what were known as the Dady plans. In other words, with funds from the insular treasury, he bought a claim, not legally established, against the City of Havana, at a price agreed upon by himself and the claimant. By this act, military authority over-rode laws which military authority had declared to be established and in force. The same proceeding was repeated in another and only less disputed case in which one José de Armas was paid \$47,500 for his claim under another inchoate contract, similarly obtained to that of Dady & Co., to float a loan for the City of Havana.

Dady & Co. were thus removed as a disturbing element, and plans for the sewerage and paving of Havana, presumably acceptable to the Engineering Department, were the undisputed property of the city. Notwithstanding an existing law that no public contract shall be advertised for bids until due provision is made for the payment of the same, General Wood instructed a duly elected and presumably autonomous municipal government to advertise for bids for sewerage and paving the city according to the plans and specifications provided. His attention was called to the "irregularity" of the advertisement, whereupon he suspended an important section of the law of the land, and brought the law into accordance with his individual purposes. An advertisement in the spring of 1901 brought no response

except a bid from Dady & Co., which the Engineering Department, a persistent opponent of that company, rejected as excessive. The department made further alterations, and the contract was again advertised. On Nov. 10, 1901, the *Ayuntamiento* voted to award the contract to Messrs. McGivney & Rokeby, who were the lowest bidders in response to the advertisement. Before the final approval of the acceptance, Mr. Dady appeared and entered a plea of misunderstanding. He reduced his bid by nearly \$600,000 (the original bid being \$11,485,896, as against that of \$10,393, 015 by Messrs. McGivney & Rokeby). Upon this, the *Ayuntamiento* voted acceptance of the Dady bid. This act failed of endorsement by the higher authorities, and acceptance rested, for the time, with the bid of McGivney & Rokeby.

The entire proceedings were almost inextricably confused. Charges and counter-charges of irregularity of all kinds marked their course, and the affair presents little that is creditable to either the American or the Cuban authorities. The sum of the matter is that after three and a half years of absolute control of the affairs of the Island, the American authorities failed to consummate, or even to begin, or to make it possible to begin, a work which had been so often declared of supreme importance to the United States as well as to the Island of Cuba. It is hardly to be denied that the whole proceeding was a distinct violation of the pledge to exercise "neither sovereignty, jurisdiction, nor control" over the Island "except for the pacification thereof." Moreover, there stands the fact that those processes to which, for the sake of convenience, we give the name of sanitation, were not sanitation, and that the only work properly deserving that title was effectively prohibited by the acts of American officials.

## CHAPTER X

### THE SECOND YEAR OF OCCUPATION.—*Continued*

THE year 1900 saw many changes in the establishment of the courts, in legal processes, and even in the codes themselves. While such proceedings were foreign to the declared purposes of the United States, and have been held by some to be a usurpation of governmental power, the idea developed among the authorities that, the United States being in responsible control of the Island, they were justified in correcting that in all governmental processes which was deemed inadequate or unsuited to the new institution. The warrant for this assumption of "sovereignty, jurisdiction, and control" has been called in question by many in both countries. Supporters of these changes and so-called "reforms" in Cuban law and law-processes rested their justification in the mere fact that they were effected by the authority, and presumably by the wisdom, of the United States.

The first year of occupation saw numerous changes in the laws and in legal processes, but none which was not demanded by the exigencies of the situation. The second year, however, saw the development of a distinct intention to effect reforms, as such, along the general lines of American institutions. Some of these were of advantage and benefit, and received popular approval. Others were an unwarranted interference, with no justification save that which lay in the supreme power of military control.

During the preceding year, General Ludlow, as Military

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Governor of the City of Havana, established a Police Court. The step, without endorsement by an official order from the Governor of the Island, was of doubtful legality, but the institution served a desirable purpose and it was allowed to stand. This became popularly known as the Court of "Ten dollars or ten days." Official orders of February and April, 1900, gave this court a definite legal status. On July 1, similar courts were established in other cities of the Island. Later orders extended the powers of these Correctional, or Police Courts, and regulated their proceedings. Various changes were also made in the Courts of First Instance and in the Municipal Courts. During the year, full or partial pardon was granted to more than two hundred prisoners, and action was declared ended in some four hundred other cases. This was done under the provisions of an order issued on January 16 which declared as follows:

"1. Total pardon is hereby granted to all persons convicted of crimes committed before Feb. 24, 1895, and from Aug. 12, 1898, to May 19, 1899, who may show conclusive proof that they belonged to the Cuban Army and that their conduct has been good since they were mustered out therefrom.

"2. Total pardon is also granted to all such persons convicted of crimes (whether as perpetrators, accomplices, or accessories) who were pardoned by the Decrees of Dec. 16 and 27, 1898.

"3. Total pardon is also granted to all such persons convicted of crimes punishable with *prisión correccional* in its minimum degree, as may have served six months of their sentence; and also all persons convicted of crimes punishable with *arresto mayor y menor* in all their degrees, as well as all persons undergoing terms of 'subsidiary punishment' for pecuniary liabilities.

"4. All persons who may have been committed for a period of time equal to or longer than corresponds to the punishment for the crime of which they stood accused, shall be at once set at liberty."

Other clauses provided for the liberation of other classes. The special object of so general a jail delivery is not clearly apparent, though in many cases it was no more than an act of justice. But it also released a considerable number for whom a penal institution was a perfectly proper residence. The step was, in fact, less an act of justice than an evidence of weakness. The court system was one of the glaring iniquities of Spanish government in Cuba. Inasmuch as it was assumed that a notable feature of our mission in Cuba was the correction of flagrant abuses, it would have been better for us and for Cuba had we cleared her jails in some more regular fashion. We assumed the right to establish a Supreme Court and a system of police courts. We revoked and amended civil and criminal laws. We created laws and incorporated them into the established codes. If those steps were justifiable, there was certainly warrant for any measures, however drastic, which would have corrected the many abuses and delays of Cuban legal procedure. As it is, we left Cuba's so-called Department of Justice little if any better than we found it.

The fundamental problem in this department was generally disregarded, notably in the domain of the civil courts. That was, to establish in the Island a system under which contentions would find at least a reasonably prompt determination in accordance with the provisions of the established code. The excuse given for the failure to do this was that it was impossible because of the lack of suitable material — in other words, that the whole Cuban legal institution was so steeped in the methods and the practices of former days that reform was out of the question. It is true that any attempt in this direction was seriously hampered by the established methods. Spanish laws, as a legal system, were admirable. Spanish court systems and practices were

abominable, and justice was one of the last things to be expected from an insular court.

In his report of Oct. 31, 1900, Señor Gener, the Secretary of Justice, said:

"The political system which had prevailed in Cuba for four centuries, having been essentially modified, the sovereignty which served as its foundation having been destroyed, the necessity for the modification of legal procedure became, and continues to be, necessary. Cuba cannot readily and methodically make political progress while hampered by embarrassing legal methods. Judicial forms should not be the same in countries which are under a colonial system, as they are in countries which have freed themselves from the dominion of the nation which controlled them. The judicial forms which might be good, or at least adequate, for Cuba as a Spanish colony, could not be equally good for a Cuba which had been emancipated from Spanish control."

This explanation and apology for the alteration of the existing laws holds good as a general proposition. But the fact remained that Cuba was still, in effect, a colonial government notwithstanding its change of governors. So long as the authority of last resort lay with an individual Military Governor whose power dominated that of all courts and all written laws, it was impossible for either courts or law to perform that part in national life, which, under a republican form of government, is supposed to be their proper function. So long as individual power remains ultimate and supreme, judicial proceedings will rest upon that as a basis rather than upon proclaimed and written laws. The attitude of the Military Governor toward the insular judiciary was one of distrust of either their honesty or their ability, or of both. His interference with legal proceedings was a matter of frequent comment and frequent criticism.

The admission of *ex-parte* testimony in the post-office trials, by his authority, may be cited as a flagrant instance of this nature. Under such a system, changes in laws are readily effected, but no adequate and basic reform is possible. According to the index of the Civil Orders issued during 1900, out of a total issue of five hundred and twenty-six, one hundred and sixty-two appear under the heading of "Law; Amendments, Modifications, and Repealing of." Some one hundred and twenty-five others refer to courts, court processes, appointment and removal of court officials, and to other matters directly connected with this department. Thus somewhat more than the half of all the orders issued during the year relate to the Department of Justice.

Much was done to the legal system, but very little was done which tended to the establishment of general confidence in courts and court processes. This was notably the case in the matter of civil proceedings. A ground for criticism was furnished by the fact of an abortive attempt to reform an evil whose danger was recognized and whose seriousness was clearly perceived. It was also a misfortune that the United States, through its representatives, had been placed in no very creditable position by its own acts in reference to the rights of sundry Cuban citizens.

These cases are too long and too complex for analysis here, but reference may be made to such matters as the Vedado Water Contract, by which a concession was annulled and property seized by the arbitrary act of an American official who justified his act upon the dubious ground that "public interest constitutes a higher law than any existing legislation, which enables competent public officials, acting in the public interest in relation to matters directly affecting the relation of citizens to the local government, to override contract relations affecting matters of this nature, subject

only to the ascertainment of damages should such be found to exist." The law, the logic, and the grammar of this statement are equally bad. Yet it was seventeen months before the case was determined by the reëstablishment of the contract, and the restitution of the property.

Other cases of similar nature are the Triscornia land case, the Nogueira case, and the Paso Caballo case. In all of these, land was seized by the American authorities upon the ground of "military necessity." The proposed remuneration, arbitrarily determined by agents of the government, was, in all of the cases, entirely unsatisfactory to the owners. More than two years passed before a settlement was effected in any of them, and the delay was not in Cuban courts but in the American headquarters. When settlement was finally made, it was upon a basis of much greater advantage to the owners than were the terms of the original propositions. The delay and the inherent weakness of the Government's position were not unnoticed by the Cubans, whose courts and court processes the same officials were denouncing and proposing to reform.

The broad ground in this matter is extremely simple. If the United States was justified in the reformation of Cuban courts and codes, beyond the point of changes necessary for the "pacification" of the Island, the work should have been done by competent officials acting in harmony with the best element of the Cuban bar. Legal reform is a business for lawyers, and not for military or medical men. Half-way measures only led to endless confusion at the time, and left a legacy of endless confusion to the Cuban Government.

Among the most important steps of the year were those taken in the direction of the establishment of civil government in the Island. [By Order No. 164, dated April 18,

1900, provision was made for municipal elections to be held on June 16, the elected candidates to assume office on July 1, and to continue in office for one year. The qualifications for the suffrage were:

"1. The voter must be a native male Cuban; or the son of a native male Cuban, born while his parents were temporarily residing abroad; or a Spaniard included within the provisions of Article 9 of the Treaty of Paris, who had not made declaration of his decision to preserve his allegiance to the Crown of Spain, as provided in said Article.

"2. He must be of the age of twenty-one years or upwards, on the day preceding the day of election.

"3. He must have resided in the municipality in which he intends to vote, at least thirty days immediately preceding the first day of registration, and, in addition to the above, he must possess any one of the following qualifications:

"(a) Ability to read and write;

"(b) Ownership of real or personal property to the value of two hundred and fifty dollars, American gold;

"(c) Service in the Cuban army prior to July 18, 1898, and honorable discharge therefrom, whether a native Cuban or not.]

Provision was made by this order for the processes and machinery of election.

The decision to hold municipal elections in June was reached during the month of February, and on the sixteenth of that month a commission, consisting of thirteen Cubans and two Americans, was appointed to draft an electoral law. The Cuban members represented the various political elements of the Island — the so-called Cuban National party, the Republican party, and the Union Democratic. The Cuban Nationals and the Republicans represented the radical and the ultra-radical elements of the Island, and the Union-Democratic stood as representative of the conservative element. Between the aims of the Nationals and the

Republicans, there was little difference. The Union-Democratic party was limited in its numbers and in its organization. Its leaders were largely men who had belonged to the old Autonomist party, and the views of its members ranged from a desire for annexation to a desire for some form of temporary or permanent protectorate under the United States. Before the election, the party withdrew from the contest, alleging unfairness in the electoral laws, and corrupt practices on the part of its opponents.

The committee submitted majority and minority reports after a series of somewhat inharmonious meetings. The minority report was accepted by the Governor General. The electoral law was issued, on April 18, as Civil Order No. 164. As the election was called for June 16, this gave two months for preparation. Many urged that the time was too short for an honest and adequate canvass. The ground appears to have been well taken, though it is doubtful whether, in any case, the results would have been materially changed. The officers to be chosen were, *Alcaldes* (Mayors), Members of the *Ayuntamiento* (City Council), Municipal Treasurers, Municipal Judges, and Judges of the Correctional Courts. Each of the existing *Ayuntamientos* was authorized to appoint a Supervisor of Elections for each *barrio* (or ward) within their respective jurisdictions. Under the supervision of these, Boards of Registration were chosen by the qualified electors. Ten consecutive days, May 6 to 16, were appointed as the days of registration.

The total number registered, throughout the Island, was 150,648, or about one-half the probable number of adult males. Into this consideration, however, there must be taken the Spanish element of the Island. Under the Treaty of Paris, Article IX, "Spanish subjects, natives of the

Peninsula, residing in the territory, etc., may preserve their allegiance to the Crown of Spain by making, before a court of record, . . . a declaration of their decision to preserve such allegiance, etc." Of the 67,000 (approximately) who made this declaration, a considerable number were adult males. This reduced the number of possible voters in the Island, and eliminated in large measure the Spanish element from participation in insular affairs, notwithstanding the fact that in the City of Havana, in particular, Spaniards were even more concerned than were the Cubans by the processes of municipal government. This is by reason of their extensive property holdings as well as because of their very considerable number.

The day of election, June 16, was, so far as peace and order and general quiet are concerned, not greatly unlike the ordinary Cuban Sunday. The total vote reported, for the whole Island, was 110,816. Individual opinion of the actual number of votes legitimately cast depends upon which or whose statement is accepted. The City of Havana, with a population of upward of 250,000, was reported as casting 20,078 votes. No active contest being made, the returns were officially approved, notwithstanding the vociferous and direct allegations of extensive frauds in the proceedings. Even the most ardent pro-Cuban will hesitate to assert that Cuban municipal self-government, for the first year or two of its experience, was a notable success.

Another important step of the year was the establishment and operation of a new customs tariff for the Island. Prior to the application of this tariff, on June 15, duties had been levied under an Executive Order issued from Washington on Dec. 9, 1898, and published by the War Department on December 13. That order merely established a provisional tariff by modifying the Spanish tariff. Various

changes were subsequently made to meet existing conditions more adequately.

The new tariff took effect on June 15, 1900. Its improvement lay in its removal of many of the difficulties and ambiguities which were presented by the earlier tariff. In the well-qualified judgment of Colonel Bliss, the Collector of Customs, neither the old tariff nor the new were suitably adapted to the needs of the situation. The methods employed in this department during the Spanish *régime* have become a by-word for corruption and dishonesty. It was held that the new tariff was open to the ready possibility of similar practices. It was also asserted that its provisions were somewhat too distinctly advantageous to American products. That various American food products were given such advantage is not to be denied. The argument used in support of this provision was the poverty of the Island and the desirability of placing sundry necessities of life upon the Cuban market at the lowest possible prices. The argument against it was that it restricted Cuba's domestic production and sent out of the country large sums of money which should have been kept at home.

For instance, during the last six months of 1900, there were imported into Cuba, a distinctly agricultural country, breadstuffs to the value of one and a half millions of dollars, and twelve hundred thousand dollars worth of vegetables. There were also large quantities of beef and hog products brought in. A tariff which would force some of the Island people, and induce others, to engage in more extensive production for home consumption and for the local market, would have been much more to Cuban advantage than the tariff established for them by the United States. It is to be noted that very soon after the government came into

Cuban hands, steps were taken to increase, very materially, the duties on such imports.

The notably black spot in the history of the year occurs in the case of the defalcations in the Havana Post-office. This stands out with glaring distinctness because of the general rectitude and integrity of American officials stationed in Cuba. One of the lessons which America was to teach Cuba was that of a high moral standard in administration. This breach in that course of instruction is in all ways most lamentable. That those charged with the offence could not have been brought to speedy trial, and upon proof of guilt sentenced to ample punishment, is only less to be regretted. As it stands, the incident furnished another illustration of the delay of justice in a case which, although under the jurisdiction of the Cuban courts, was practically under the immediate control of the Military Governor. It is certain that that official concerned himself very directly in the proceedings, and, notably in the case of Director of Posts Rathbone, open charges have been made that the Military Governor flagrantly violated the laws, and occasioned a perversion of justice by his interference. From various causes, some of which could and some of which could not have been controlled by the exercise of such power as that sometimes employed by General Wood, the Post-office cases dragged for more than a year and a half before their final determination. Public opinion on the island held Neely to be a deliberate criminal, while Mr. Rathbone was generally regarded as a victim of individual persecution on the part of the Military Governor.

The most important event of the year, and really the most important of the entire period of intervention, was the calling and the sessions of the Constitutional Convention. This subject will be reviewed in separate chapters.

The year shows an apparent improvement in economic and industrial conditions. The production of sugar doubled that of the preceding year. There was a consequent increase in the amount of Cuban exports. The imports show a slight decrease. The increase in the sugar output was of little advantage to the planters inasmuch as it had to be sold at prices which gave no living profit on the work of the year. The trade of the United States with the Island showed a falling off.

The year closed upon a commercial and industrial situation which was far from encouraging. How far this is attributable to the failure of the administration to give aid and encouragement to those special departments, cannot be said. There was certainly much of complaint, to which the authorities gave no heed. The official reports declared the Island to be prosperous and the people to be contented. The statements of many of the Cuban people, and the assertions of the Island press, quite fail to support these reports, and the financial statements appear to endorse the Cuban argument. The local administration rested its claims for approval largely upon the work done in the departments of education and sanitation. But if these features were developed at the expense of the economic well-being of the Island, the measure of that approval must be limited. Cuba's endless agricultural resources, and the marvellous fertility of her soil, make her readily responsive to even a shadow of industrial encouragement. Recovery from even devastation should be rapid, but it is not shown, except in the increased output of sugar, during the first two years of American occupation. Cuba's normal position had been that of a creditor nation to the extent of some \$30,000,000 a year. These two years saw her transferred to the debtor class to an amount approximating \$30,000,000.

for the term. The year 1900 saw no hunger or sore distress in the Island, but there was an increasing stress in the field of industry.

Referring to the fiscal year ending June 30, 1900, the Collector of Customs, Col. Tasker H. Bliss, says, in his report dated August 6: "The economic situation of Cuba, as indicated by the statistics of the Customs Service during the past year, cannot be regarded as favorable. The returns of imports and exports, excluding the movement of specie, show an excess of the former over the latter, or a balance against the Island of \$26,260,065." The remainder of the year showed no improvement in this condition.

Although it was not given prominence before the American people, there developed a wide-spread dissatisfaction with the methods pursued by the local administration. The popularity of the Military Governor was urgently asserted in the United States. Yet a leading American Senator, with a special interest in and a close connection with Cuban affairs, declared in a private conversation that, so far as he could learn, the Military Governor had hardly a friend in the Island, Cuban or American. As early as the 14th of April, *La Discusion*, a leading Cuban newspaper in Havana, stated editorially that "In a trimestre, General Wood's administration had worn out in a surprising manner, although it did not have to tide over the great difficulties presented by the former one, and in spite of its having found the way open, and of being able to avail itself of the experience and trials made by the former administration. There are very few men of independence who feel satisfied with the policy of the Government and the procedure adopted at the Palace. It can also be affirmed that there is no one in Cuba disposed to defend it except for some particular interest."

Much of this sort of opinion developed during the year. It appeared from time to time in the insular press, and was a frequent expression in private conversation. The American people were informed, upon the authority of the Palace, that it was only the querulous complaint of a disgruntled element, small in numbers and of no consideration. A personal experience covering many months led me to a decided conviction that the complaints were a genuine expression of Cuban opinion. That it was not more openly and more emphatically stated was due largely to the fact that the Cubans could not even then quite realize that an American Military Governor could not send them to Cabaña, or to Ceuta, as Spanish Governors had done, for the expression of opinions against the administration. It is beyond question that there was a deep and strong undercurrent of such opinions.

Regarding statements of revenue and expenditure for this and for the succeeding years, it is necessary to say that a marked confusion appears in the reports, although the War Department has prepared a tabulation to which it has given official endorsement.\* The statements officially submitted by the different departments of the insular government entirely fail of harmony, and one is at liberty to select from an assortment presented by various officials each of whom is supposed to be an authority. This comment carries no implication whatever of dishonesty, of or any irregularities other than those of bookkeeping. The fact of discrepancy is open in any review of the submitted reports. I use the following as probably closely approximate rather than as unquestionably accurate. They are for the calendar year:

Total Revenue .....	\$17,154,929.00
Total Expenditure .....	17,644,991.00

\* For a fuller statement of Revenues and Expenditures, see article in Chapter XX.

I take these figures from the message of the Cuban President, dated Dec. 2, 1902. Mr. Palma notes them as "Data from the report of the Secretary of War of the United States of America." General Brooke, at the time of his withdrawal from the Island, turned over to his successor a treasury surplus of a little less than \$2,000,000. The year 1900 shows a deficit approximating \$500,000.

Classifying some of the principal items of expenditure, they appear, in approximate figures, as follows:

Barracks and Quarters .....	\$910,700.00
Sanitation .....	3,029,500.00
Police and Administration .....	2,358,150.00
Public Works — Ports, etc. ....	1,786,700.00
Charities and Hospitals .....	1,508,500.00
Education .....	3,672,000.00
Agriculture, Industry, and Commerce.....	205,500.00

The statement of the amount of foreign trade, as presented by General Bliss in his official reports may be accepted as entirely reliable. He gives the total business for 1900 as follows:

Exports .....	\$51,363,498.00
Imports (including bullion) .....	69,887,547.00

Of the imports, \$32,248,595 came from the United States, and \$37,638,952 from other countries. Of the exports, \$33,571,994 went to the United States, and \$17,791,504 to other countries.

## CHAPTER XI

### THE THIRD YEAR OF OCCUPATION

SOME of the more important affairs of the year 1901, such as the proceedings of the Constitutional Convention, the Platt Amendment, and the economic movement, will be considered in special chapters. So far as general governmental processes are concerned, it may be said that, by the beginning of 1901, they had settled into routine. Opinions differ widely regarding the wisdom of policies adopted, and the success of results obtained. Americans who visited the Island, and took their opinions from the Military Governor, returned to declare the greatness of his works and the marvels of his administration. The few who delved more deeply and analyzed more closely, obtaining their information from Cuban sources, were disposed to a contrary view. That much had been done, and that much was being done, was not denied. The difference in individual view lay in a question whether that which was being done was being most wisely done, and whether processes and achievements which could be used for exhibition purposes were really that which was most needed in the Island, and which would best serve to establish and cement those cordial relations which were so eminently desirable between the American and the Cuban people.

By the opening of the year, General Wood had made himself, in fact as well as in name, the Governor of the Island, notwithstanding the fact that this was contrary to the de-

clared purposes of the country which he represented. He asserted the Cuban need of government, and justified his course by calling public attention to his achievements, to peace and order throughout the Island, to clean streets and reduced death-rate, and to educational establishment. In this attitude, General Wood overlooked certain factors which were of supreme importance. Peace and order existed because of the general peaceful and orderly character of the people. To himself and to his Government he took the credit for that quiet, unassuming, and patient struggle so persistently maintained by the Cuban people themselves for the restoration of their land and the establishment of a new social and political order.

One of the most important and interesting processes of the year was the energetic crusade in the City of Havana against the fever-bearing mosquitoes. The satisfactory demonstration of the fact, shown by the work of the preceding year, that mosquitoes were the mischievous agent in the spread of yellow fever, led to the organization of a systematic campaign for their extinction. In his report for 1901, Major Gorgas, the Chief Sanitary Officer, states his belief that at the close of the year 1901 the number of mosquitoes in the City of Havana was not more than one-tenth what it was at the beginning of the year. Dr. Gorgas does not, however, claim to have taken an accurate census of the insects. Whether or not the eradication of mosquitoes was as general as was estimated, the more important fact stands that the year shows only eighteen deaths from yellow fever, as against the following records for preceding years:

1899 .....	103
1900 .....	310

These preventive measures have been persistently main-

tained, and up to the present time (1904) there has been no reappearance of the disease.

Some effort was made during the year to put the government of the various municipalities upon a better and more independent footing, but the results were far from satisfactory. The causes for this are various and not a little complex. Under the Spanish *régime*, municipalities were presumably semi-independent political units exercising a measure of administrative independence. As a matter of fact, they were little else than a part of a governmental machine operated from Havana by the power and authority of the Governor General. Of municipal autonomy and self-government along the lines of that of American cities, nothing was known to the people of Cuba. The effort to establish the American system among an inexperienced people into whose minds there had been effectively instilled the system practised in earlier days, resulted only in confusion, inefficiency, and extravagance. There stood also the fact that civic administration entails expenditure, and taxation for necessary revenue. The people were poor, many of them impoverished, few able to bear any taxation whatever, especially direct taxation. This fact in itself presented an obstacle of endless difficulty.

Another influence appears of which it is difficult to treat by reason of the divergent views upon the matter and because it is largely speculative. That rests in the possible error in the attitude of the Military Governor toward these institutions. He assumed their incapacity and acted upon that basis. It is, of course, impossible to say what would have been the result of the provision of a wisely drawn municipal law would have given a fuller measure of local and individual responsibility than that which was accorded them, while holding all, electors as well as elected, to a strict

accountability under the law. It has been demonstrated repeatedly that where Cubans have been thrown upon their own resources and forced to assume their own responsibility, they have shown better results than have appeared where they have been either carried or half-carried. This finds endorsement in the fact that in no municipality of the Island was interference by the Military Governor so direct or so persistent as it was in Havana, and, by General Wood's own statement, in no other municipality was incompetency so marked. The Military Governor declares that his interference was imperative to prevent results injurious to the city, and that the conduct of officials was, at times, scandalous. Yet these officials were elected under laws which he promulgated, and under his own immediate supervision.

The weakness of General Wood's position in this matter is fairly shown by a comparison of records during his administration and that of the Cubans themselves. The following table appears in an official (Cuban) pamphlet of general statistics relating to municipal budgets, issued by the *Secretaria de Hacienda*:

FISCAL YEAR	NUMBER OF CITIES	TOTAL DEFICIT
1901-1902	29	\$106,452.66
1902-1903	19	28,233.43
FISCAL YEAR	NUMBER OF CITIES	TOTAL SURPLUS
1901-1902	63	\$128,337.11
1902-1903	63	305,316.21

This shows that, left to their own devices without interference by a Military Governor, ten cities were transferred from the "deficit" to the "surplus" group; the total deficit reduced by \$78,219.23, or about three-quarters; while the total surplus was increased by \$176,979.10.

It is probable that no small measure of the trouble in Cuban

municipal government, notably that of the City of Havana, lay in General Wood's lack of tact and diplomacy, in his distrust of Cuban ability, and in his desire to govern all departments according to his own idea. This may have been the result of conscientious desire for a government upon high ideals, but it involved a somewhat conceited appreciation of his own ideals. That his attitude was resented is quite beyond question, and it is more than probable that much of the confusion which arose was due to a lack of harmony between those who desired self-government, and believed themselves capable of exercising it, and a superior officer whose attitude clearly showed a doubt and distrust of their capacity and ability. Although the Havana *Ayuntamiento* was organized as a virtually autonomous body, elected by the citizens, General Wood repeatedly acted over their heads in important matters relating distinctly to municipal affairs. This was notably instanced in the matter of the Havana loan, and in the sewerage and paving contract. If the Havana officials were really so dire a menace to the well-being of the city as General Wood assumed them to be, it was quite within the power which he arrogated to himself to remove them *in toto*, and to call for a new election of a more reliable group, though it is doubtful if he would thus have secured a more intelligent or more representative organization. At all events, admitting their inexperience, it is a fair assumption that the fault in Cuban municipal administration did not lie exclusively with the elected officials.

During the year, new laws were issued and the existing laws were repealed and modified according to the idea of the Military Governor. In the index to the official report for the year, there appear twenty-four orders amending, repealing, or modifying laws previously issued by the Ameri-

can authorities. The pardon of offenders, serving sentence or under trial, was continued. General Wood's course in the matter of pardons has never been clearly understood. A tabulation shows that, during his incumbency, he issued pardons to more than a thousand offenders who were either under sentence or under trial for their offences. It is entirely probable that in some cases this executive clemency was quite justified, and in some it may have been meritorious. But its free indulgence was the occasion of much comment, and a judge of one of the higher courts remarked in a private conversation that it was useless to impose sentence upon criminals because the Military Governor would so quickly pardon them. The press of the Island complained of a prevalence of crime because of these pardons. The process was continued up to the very closing days of the Wood *régime*. Within the three days preceding his departure from the Island, General Wood issued pardons, remitted fines, or suspended action in thirty-two cases. Among the crimes committed by those thus relieved there appear, murder, robbery, forgery of an official document, bribery, and misappropriation of funds.

Under date of April 5, there was issued an elaborate order effecting the organization of the Rural Guard. This body constituted a national police force, and, in many communities, performed all the duties which ordinarily devolve upon a municipal force or a rural constabulary. The wisdom of such a system may be a matter of doubt, but it was generally approved, and the Cubans themselves, when authority came into their hands, enlarged the organization. It is probable however that politics had much to do with the matter. Under date of April 10, an order was issued which effected a re-organization of the Supreme Court, and provided more specifically for its composition and its functions. Orders

issued in 1899 and in 1900 had essayed the establishment of laws regarding marriage. In his report for 1900, General Wood displays no little personal satisfaction over the determination of the matter by his order of August 8 of that year. This was superseded by a more elaborate order on May 28, 1901. Its general provisions were as follows:

1. Nature of contract: Marriage, in so far as its validity and effects are concerned, continues to be a civil contract, to the making of which the consent of legally capable parties is essential.
2. Forms of marriage: The law authorizes two equally valid forms of marriage, civil and religious. The contracting parties may, at their option, enter into either or both.
3. Effects of marriage ceremony: Both marriages, civil and religious, if contracted according to the provisions of this order, shall have the same legal effect.

Order No. 173, under date of June 22, provided a comprehensive set of Custom House regulations, and prescribed in detail the powers and the duties of customs officials.

On November 25, the following order was issued:

"Whenever the Government may deem it necessary for the public interest, it shall order an adjustment of the railroad companies' tariffs, whereby just and reasonable rates will be fixed, that will insure to the railroad companies a reasonable profit on the capital invested, after giving due consideration to the needs of the country served by said railroad companies."

This is quoted here because of its bearing upon orders which will be submitted in their place in another chapter. In our own country, individual States have placed limits upon passenger tariffs, and, by means of the Interstate Commerce Act, the Federal Government has assumed and exercised authority in certain departments of transportation. But the Federal Government of the United States has never

laid down so sweeping a proposition regarding railway tariffs as that laid down by its agent in the Island of Cuba.

The Constitutional Convention having framed and adopted a Constitution for the Republic of Cuba, and having accepted, though most reluctantly, the conditions imposed by the Platt Amendment, the way was opened to the next step — that of governmental organization by a popular election of national officials. To that end, there was issued, on October 14, Civil Order No. 218, which begins with the following preamble:

HAVANA, Oct. 14, 1901.

The Military Governor of Cuba directs the publication of the following order:

1. An election will be held throughout the Island on Dec. 31, 1901, which is hereby declared a legal holiday, at which there will be elected Presidential and Senatorial electors; members of the House of Representatives; Governors of Provinces and Members of Provincial Councils, as hereinafter provided for.

2. Another election will be held throughout the Island on Feb. 24, 1902, which is also hereby declared a legal holiday, at which there will be elected the President, the Vice-President, and Senators as hereinafter provided for.

The remainder of the order constituted a Provisional Electoral Law. It specified, under its various chapters, the terms and conditions of the elections, as follows: Electoral Right; Conditions of Eligibility; Incompatibilities and Disabilities; Electoral Registry; Registration; Provincial Boards; Designation of Candidates; Ballots; Electoral Board; Elections; Scrutiny; Election of Senators; Election of President and Vice-President of the Republic; Organization of Congress; Offences and Transgressions; and sundry Additional Dispositions.

There were many, particularly in the United States, who

regarded Maximo Gomez as the logical if not the inevitable candidate for the honor of being the first President of the new Republic. Those of better information knew him to be an impossibility. His services in the field might well have warranted a claim upon the position, as a reward, but his general lack of proper qualifications for the presidency was as clearly recognized by General Gomez himself as it was by those who knew him and who knew the real needs of the Island. Although it was not generally known, he had long been tentatively if not definitely committed to the support of Tomas Estrada Palma for the presidency. Gen. Estrada Palma was a veteran of the Ten Years' War, in which he had played a prominent part, even holding, at the time of his capture by the Spaniards, the position of President of the so-called Republic. In the later war, his services, as head of the revolutionary Junta, in New York, had rivalled those of General Gomez in the active and efficient aid given to the cause of the insurgents.

At a meeting of Cuban political leaders, held during the month of July, Señor Estrada Palma's eligibility was carefully canvassed. Cuba's political camps, at that time, were divided upon the issue of endorsement of or opposition to the acceptance of the Platt Amendment, the radical element being *anti-Plattista*. Many of these believed that Señor Palma's long residence in the United States had subjected him to influences which would dispose him to look with favor, or at least with tolerance, upon a measure which was offensive to many of the Cuban people. It was rumored that he was the candidate of the administration at Washington, and that American influences were at work in his interest in Cuba.

During the month of August, a communication was sent to him asking a definition of his attitude and a statement

of his views upon various political issues. His reply was diplomatic and somewhat vague, but it was fairly acceptable to the majority. It may be summarized as follows:

"The United States Government favors mutual concessions such as would help Cuban products, especially sugar; but as Cuba for some years will be dependent upon her income from customs, skill will be needed in deciding what concessions she can safely offer."

Regarding finance he said:

"Cuba is a new nation and must not be extravagant. She should adjust her expenditure to her income and resources."

Regarding the payment of the army, Señor Palma recognized the principle that the army must be paid, but added:

"The lists must be carefully examined, and the Cuban Congress should reduce the rate of pay for officers and men which the revolutionary government allowed."

Regarding treaty relations, he said:

[ "The Cuban Government in making a treaty should try so to interpret the Platt Amendment as to give it the meaning most favorable to the interests of Cuba and to her sovereignty and independence. She will fulfil the treaty, but expects the United States to do likewise and to respect her independence, which is recognized by one of the clauses of the Platt Amendment in the most solemn manner." ]

These statements became the general basis for the campaign platforms of both of the leading political parties, the National and the Republican, and it soon became a matter of common understanding that while each would present its own candidates for other offices, both parties would support Señor Palma for the presidency. It was really he, and not General Gomez, who was the logical candidate. No other possible candidate was any better qualified for the post; his services had given him a strong claim upon it; and his absence from the many wranglings of partisan politics

made him the man who, more than any other and better than any other, could harmonize conflicting interests. For his companion on the ticket, as Vice-President, Gen. Bartolomé Maso was regarded as the fit and logical candidate for very much the same reasons as those which made Señor Palma the most available man for the presidency. Both had served in similar capacities in Cuba's republics of earlier days, and both were honored and respected by the Cuban people. For some weeks it was generally understood that these gentlemen would be the approved candidates of both parties. But Señor Palma's somewhat indefinite attitude in the matter of the Platt Amendment, and the tendency of Cuban politicians to split upon issues of individual leadership more than upon differences of political opinion, resulted in the organization of a movement which made Maso the rival of Estrada Palma for the presidency.

On October 31, General Maso issued a campaign manifesto in which he declared that he had been "induced to enter the field of presidential candidature in order to preserve the nationalism and patriotism of the country." He asserted that the Government of Intervention had been "perverted into a military occupation approaching a conquest." His statement is less absurd than many may suppose it to be. He made his appeal to the generally neglected elements in Cuban affairs — the Autonomist, the Spanish, and the Negro, a decidedly incongruous combination. [While not a little of General Maso's attitude seemed to put him into a position antagonistic to the United States, it is only fair to him to say that he was ardently pro-Cuban rather than in any way anti-American. He was, like many who lacked his courage in saying so, opposed to the Platt Amendment, which was made a feature in this campaign.]

While the honesty and the genuine patriotism of General

Maso were equally beyond question, his following consisted largely of political malcontents. The ablest political leaders had allied themselves with one or the other of the two leading parties, and not a few of them had been provided with official positions in a government which was known to endorse the candidacy of General Palma. The National party was, broadly speaking, the party of Maximo Gomez. The Republican party was its rival for supremacy. Between the two men, individually, there was perhaps little difference in point of personal worth. The political issue, the only one of any force, was essentially factitious. The Platt Amendment was a fact to be faced and not an issue to be fought. The place to be occupied in the new government by the Spaniard, the Negro, and the representatives of the former Autonomist party, necessarily remained for determination by their own attitude and political influence, and could not be established by any declaration of a party platform.

December 31 was the day set for the election. The Maso party gained a following which, for a short time, appeared to be formidable, and the Palma group was stimulated to a moderately energetic canvass. Mass meetings were held and campaign speeches were made. Yet, notwithstanding the fact that some of the more enthusiastic Masoists declared their faction to be representative of sixty per cent of the people of the Island, the party, as a party, withdrew from the contest. Their withdrawal was based upon alleged unfairness in election methods, and upon assertions that they were not given proper representation on the various Election Boards, including the Board of Scrutiny, which was composed of Palma adherents and which was vested with a wide measure of determining power. Charges were brought of fraud in registration processes, and in the various

processes of nomination. An appeal was made for a postponement of the day of election, and for a representation of the Maso party on the various Boards of Canvass and Scrutiny. The appeal was refused. On December 31, the withdrawal of the Maso party was announced. At a meeting of the party leaders a resolution was adopted which contained the following expression:

“The Central Board is a coalition of partisans, and General Maso, after exhausting every means to insure impartiality, rectitude, and justice at the coming elections, has become convinced that neither in official circles in the United States nor in Cuba does the intention exist to see that the elections are carried out with sufficient legality to reflect the real wish of the Cubans, who are desirous of independence and anxious to elect freely their first constitutional government.”

The Palma faction declared that the withdrawal was due to a recognition of weakness and the futility of a contest. Whatever the facts may be, whether Maso's followers were numbered by hundreds or by thousands, the entire incident can only be regarded as a matter for regret, inasmuch as the justice and the fairness of Cuba's first national election must remain as an undetermined question, and a doubt must remain of the entire good faith of the officials of the Intervention. Some weakness appears in the official argument from the fact that, notwithstanding the Maso withdrawal, eight pronounced Masoists were chosen out of the sixty-three candidates for the electoral college. How much this might have been increased had the campaign been conducted upon broader lines cannot, of course, be estimated.

Charges of fraud and irregularity were brought, but the methods proposed for hearing and decision were unacceptable to those who brought them, and the matter was dropped as hopeless, leaving some to believe that injustice had been

done with the support and connivance of the Military Governor. The Spanish press took no part in the campaign, and as it had no ardent affection for either side, its opinions may be regarded as, to considerable extent, non-partisan. The general tenor of the comment of the local Spanish papers was to the effect that Estrada Palma was regarded as the candidate of the United States and of Cuban officialdom, and that it was therefore useless to oppose him. It is unfortunate that any ground should have existed for the assertions and allegations of the time, even if it be admitted that they were not warranted. America's hands in Cuba should have been so clean that no stain could have clung to them. Her acts should have been beyond the possibility of impeachment.

Election day was marked with quiet and order throughout the Island, and only a light vote was polled. In his report for 1902 (p. 3), General Wood says:

"I regret to state that a large portion of the conservative element, composed of property owners, business and professional men, etc., did not take such an interest in the elections as proper regard for the welfare of their country required, and consequently the representation of this element among the officials elected has not been proportionately as large as the best interests of the Island demand."

Something is to be said upon the other side of this question. General Wood did not command the respect and the confidence of this "conservative element," which saw him surrounded and influenced by a political element in which they had no confidence. They noted his neglect of and general indifference to the economic interests in which they were most deeply concerned. For these reasons, precisely as many of our own citizens do in this country, they held aloof from participation in insular politics.

Subject to the conditions set forth in the preceding chap-

ter, the statement of revenue and expenditure for the year may be given as follows:\*

Total Receipts .....	\$18,791,473.21
Total Expenditure .....	19,514,603.87

Classifying the expenditures, the leading items may be given, approximately, as follows:

Administration .....	\$1,139,911.00
Agriculture .....	172,519.00
Barracks and Quarters .....	360,709.00
Charities and Hospitals .....	1,589,549.00
Justice .....	991,656.00
Education .....	4,211,481.00
Public Works .....	1,692,754.00
Rural Guard .....	929,111.00
Sanitation .....	2,787,093.00
Custom Houses .....	975,732.00
Public Buildings .....	913,123.00
Jails .....	511,232.00
Postal Service .....	440,901.00
State and Government .....	399,240.00

The foreign trade for the year is given by General Bliss, Collector of Customs, as follows:

Total Imports .....	\$67,751,911.00
Total Exports .....	66,502,533.00

Of the imports, \$28,469,251 came from the United States, and \$39,282,660 from other countries. Of the exports, \$50,016,318 was sent to the United States, and \$16,486,215 to other countries.

The deficit for the year 1901 exceeds \$700,000. The deficit of this year, taken with that of the preceding year, gives ground for a legitimate comparison. During his incumbency,

\* For fuller details, see article on Revenues and Expenditures, Chapter XX.

General Brooke accumulated a treasury surplus of nearly \$2,000,000. General Wood, during his term, appears to have overspent his revenues by about \$1,500,000. One year after the American withdrawal, the Cuban Treasurer reported an available cash balance of nearly \$3,000,000. This was done in spite of an increase in the running expenses for items which did not appear in the Wood budget, such as the payment of a congress, a larger salary and appropriation for the executive, and the maintenance of a diplomatic corps and a consular service. It was also done with no appreciable diminution in the efficiency of government in the departments of law and order, education, sanitation, and public improvements. As a financier, General Wood was outclassed by both General Brooke and Señor Estrada Palma.

## CHAPTER XII

### THE END OF THE INTERVENTION

THE opening days of 1902 found the Island of Cuba upon the threshold of a new life. The conditions under which the United States proposed withdrawal had been accepted. A national election had been held, and although another election was required for full determination, the personnel of the new government was generally known. On February 24, the second election was held, and Tomas Estrada Palma was formally chosen as Cuba's first President, with Luis Estevez as Vice-President. The elected Senators included some whose names had been made familiar to American readers by their participation in the military operations of the revolution, and the political operations which followed the termination of hostilities. So far as Cuba was concerned, nothing remained except the official organization of the various elements. May 20 was announced as the date of American withdrawal and of the definite establishment of the Cuban Republic.

Economically and industrially, the Island was in a state of suspense and unrest. The struggle for tariff concessions in the United States was in active process. This will be treated in another chapter. Notwithstanding the fact that the generally predicted industrial disaster did not occur, there is no doubt that the situation was seriously menacing, and that a real ground existed for the wide-spread apprehension that was both felt and manifested. That the

disaster did not fall is in no way due to any act of the United States. Its aversion was the result of other influences.

Any consideration of the proceedings of the Government of Intervention during the year 1902 is necessarily subject to the individual view of America's justification for the policy which had been adopted in the matter of "sovereignty, jurisdiction, and control" over the Island. This applies throughout the entire experience, but especially to the closing days. Notably from the beginning of the Wood *régime*, there was shown an increasing tendency to ignore the declaration of the Teller Amendment, and a manifest purpose not only to administer the present affairs of the Island, but as well to essay regulation of its fundamental laws and governmental processes. Technically, this can only be regarded as a flagrant violation of a national pledge. The point was not broadly raised in the United States, and the American people, hearing no vigorous outcry of protest, assumed Cuban acquiescence and approval from the mere fact of Cuban silence. The Cuban point of view was that protest was useless. They were in the hands of a stronger power which, having adopted a certain course of procedure, was undoubtedly disposed to stand by its actions. The power, of course, existed. The moral or the legal right to exercise that power is distinctly open to question.

In his report for 1902 (p. 271) General Wood says: "The work called for and accomplished was the building up of a republic, by Anglo-Saxons, in a Latin country where approximately seventy per cent of the people were illiterate; where they had lived always as a military colony; where general elections, as we understand them, were unknown; . . . in short, the establishment, in a little over three years, in a Latin military colony, . . . of a republic modelled closely upon lines of our great Republic." This appears to have

been General Wood's interpretation of the only authoritative policy ever announced by the United States regarding its control of Cuban affairs, a policy declared by the American Congress in these words: "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people."

There is neither statement nor intimation here that the work called for or to be accomplished was the constitution of a republic, "by Anglo-Saxons," for those of an alien race, upon Anglo-Saxon lines. At no time during the preceding three years had there been manifested so definite a purpose as that shown during the months of 1902, in the adoption of autocratic monarchical methods for the establishment of a republic in a foreign land. In the issuance of official orders, during the preceding period, those orders were prefaced with the statement that "The Military Governor directs the publication of the following order." In numerous cases, in 1902, this was changed to "I, Leonard Wood, Military Governor, by virtue of the authority vested in me, direct the publication of the following order." At no previous time had interference with established laws been so direct and flagrant.

On February 7 and on March 3, there were issued railroad laws which instituted an entirely new order in Cuban railway matters. The primary object of the law of February 7 was, undoubtedly, the definite legal establishment of the new railway from Santiago to Santa Clara. The law, in itself, has much to recommend it. It is a good law, and its operation will in all probability make for the general welfare of the Island. Nevertheless, the establish-

ment of such laws belonged properly to the Cuban Government which was so soon to be inaugurated. On April 28, only three weeks before the installation of the new government, another law was issued which regulated in detail the rates for both freight and passenger traffic on all the insular railways. The general railway question is treated in another chapter under a special heading.

On January 24, Civil Order No. 23 abolished about one-third of the existing municipalities of the Island. This was distinctly a matter which concerned the Cuban people and the Cuban Government. In his report covering the period, General Wood states that "Shortly following the publication of the decree of suppression (of these municipalities) a considerable number of complaints and protests were received concerning the advisability and the fairness of the distribution as made. Some of the protests seemed to be well grounded and the modifications suggested were embodied in subsequent orders. . . . Considering the number of interests involved, political and material, the large number of persons concerned, the gravity and the perplexity of the question, the general acceptance of the order, with a comparatively small number of protests, was remarkable."

This statement of the Military Governor certainly warrants an opinion that the re-districting of these municipalities was done without due and proper consideration and investigation. Suitable opportunity should have been given for the entry of complaints and protests before the matter was acted upon, and the step, if to be taken at all, should have been final. It is precisely upon such issues, and upon his frequent retraction of previous steps and rectification of previous errors, that General Wood made the mistake which cost him the confidence and the esteem of the Cuban people. It has been generally supposed that he possessed both. As

a matter of fact, he held neither. He acted upon a supposition of his thorough comprehension of Cuban character. The Cubans realized his failure in that respect and quietly bided their time knowing that his control of their affairs could be no more than temporary. General Wood misinterpreted Cuban silence. Where protest appeared, it was his custom to denounce it as the unjustified complainings of the disaffected. But the Cuban people had been trained in self-repression by many years of life under Spanish military autocracy, and the influence of that training remained. A few might protest, but the many kept silence.

An important law, of doubtful justification under the circumstances, was issued on March 5. This related to a question known as that of the *Haciendas Comuneras*. It involved a matter of boundary lines and undivided estates. During the earlier days of the Spanish settlement in the Island, land grants were made by the government. These were made in circles from some more or less well defined central object, a tree, a rock, or a special formation of land. Surveys were most loosely made, and there were many instances in which these circles overlapped and gave rise to disputed ownership. Land sales, transfers, and successive inheritance had left titles to numerous areas in a state of utter confusion. These were determined by the law of March 5. Properly, the determination belonged to a Cuban government and to Cuban courts, and General Wood's action was, in reality, a usurpation of prerogatives not rightfully his, although the technical work was done under the control of the Secretary of the Treasury.

On April 12, 1902, there appeared the following official announcement:

"I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, order publication of the following:

"The officers who are at present serving in the judicial and public prosecution services, and those who in the future may be appointed thereto in accordance with law, shall not be suspended from their positions, dismissed therefrom, nor removed from said services except for reason of a duly proven crime or other serious cause, and never without a hearing to the interested party."

Then followed detailed specifications of the justifying causes of removal.

This, which was known as the *inamobabilidad* order, roused a vigorous and general protest. In those private circles where Cubans gathered for discussion of their affairs, it was openly and freely asserted that the step was taken to reward judges and others who had served the Military Governor by lending countenance to measures of doubtful legality, by making their positions permanent whether the incumbents were or were not acceptable to the incoming government. Upon any other than that very doubtful ground, the order was little else than preposterous, utterly without warrant. So energetic were the protests and so vigorous the outcry, that the sound reached Washington, and orders were promptly sent for the revocation of the order. In a little group of orders which was held back until a late hour of the night of May 19, there appeared one which, coming when it did, was quite ridiculous. It declared that Order No. 99, that under consideration here, should be without effect after the noon of May 20. Life tenure was thus reduced to the life of American authority in the Island, somewhat to the personal chagrin of the Military Governor.

During the opening months of this year, there occurred the final trial of the notorious Post-office cases, in which the Military Governor very actively concerned himself. It would be of interest to review this case, but it is impossible

to do so here because of its length and complexity. Two features of the trial may be cited because of their bearing upon administrative processes. Notwithstanding the American establishment of the Spanish codes as the law of the land, it is of record that the Military Governor did definitely and directly instruct the officers and judges of the courts in matters pertaining to court processes in the Post-office cases. From Ardsley, N. Y., where he was visiting at the time, he cabled instructions for the arrest of Major Rathbone, and specified the amount of bail to be fixed in his case as "at least \$25,000."

He also gave instructions and information which resulted in the use of *ex parte* testimony in these trials. This was in violation of principles plainly set forth in a communication from Washington. This was transmitted to the court and the following is quoted from the transmitted instructions, under date of Nov. 15, 1901:

"The Act of Congress passed on the 6th day of June, 1900, for the extradition of persons accused of crimes in any foreign country, or any territory occupied by or under the control of the United States, provides that the authorities who may have control of these countries or territories shall guarantee to such persons a fair and impartial trial.

"A trial in which there are used *ex parte* depositions given by persons whom there is no opportunity to cross-examine, is not a 'fair and impartial trial'; and accordingly, as before stated, such depositions cannot be used at the trial."

This laid down the broad principle applicable in such cases. Nevertheless, upon representations made to Secretary Root, and upon instructions afterward sent to the court by General Wood, such depositions were used, and they constituted an important part of the testimony upon which

Major Rathbone was convicted. Neely was convicted upon proof of guilt clearly established, and Reeves confessed his guilt and turned State's evidence. These facts were presented to the President of the United States, in person, with the result that an order was issued, by his direction, making provision for a re-hearing of the case, on appeal. But this order was not issued until the 19th of May, the day preceding the American withdrawal, and, in the meantime, the Cuban Congress had agreed upon a bill of amnesty to American subjects under sentence or trial in the Island. Neely was released and Reeves was pardoned by General Wood for his services as State's evidence. Major Rathbone returned to the United States to demand from the Secretary of War, the Senate, and the President, an opportunity to prove and establish his innocence of the crime with which he had been charged.

During the four weeks preceding the termination of American control, numerous orders were issued relating to matters which were, under any conditions, for Cuban rather than for American determination. These included Order No. 112, dated April 23, which provided, in full, detail for the systematizing of the financial departments of the municipalities of the Island. Order No. 116, April 28, provided a Manual for Courts Martial and Procedure under Military Law, for use of the Armed Forces of the Island of Cuba, a matter in which American interference was distinctly gratuitous and uncalled for. Order No. 122, April 29, gave effect to a comprehensive set of Quarantine Laws and Regulations for the Island. Order No. 128, May 6, declared that the land and buildings known as "Camp Columbia," in the western suburbs of Havana, previously occupied by American troops as a military camp, "including all the works,

buildings, additions, increase, and improvements, whether now existing or to be hereafter constructed," should become a permanent camp for the use of the "military forces" of Cuba. This appears to have been done because, in the opinion of the Military Governor, Cuba ought to have military forces and a permanent camp for their use and occupation. This order was issued just two weeks before the Cubans assumed control of their government, and, on the day preceding its issuance, President-elect Palma had said that there would be no war estimates in the Cuban budget, and that "an army would be useless to the Island, and would tend to encourage that militarism which has been the curse of so many Latin countries."

Order No. 154, May 14, provided at great length all the details, specifications, and regulations for the revenue cutter service of the Island of Cuba. It declared the duties of the service, the duties of its officers, the salaries, pay, and uniforms of those connected with it, and even provided that the "galley fire shall be extinguished at 8 P.M., unless specially authorized by the commanding officer to be continued longer." On May 15, an order declared the application to the Island of Cuba, soon to become, by the promise and pledge of the United States, an independent Republic, of *the Immigration Laws of the United States*. Truly, violation of the Teller Amendment to the Joint Resolution, and assumption of unlimited "sovereignty, jurisdiction, and control" over a land declared by the Supreme Court of the United States to be "foreign territory" could go no further. On May 17, three days prior to the withdrawal, General Wood issued an order (No. 159) for the regulation of the sanitary affairs of the Island of Cuba. It established the "Superior Sanitary Board," prescribed its duties, and fixed

the pay of its members. It established local sanitary boards, and fixed their pay and prescribed their duties. Order No. 170, May 17, affected fourteen specific articles in the Law of Civil Procedure. Orders No. 172 and 178, both dated May 18, gave full pardon to eighteen criminals, ended penal action in fourteen cases, and affected sundry other cases.

A very pertinent question arises from any consideration of the laws and regulations thus promulgated on the very eve of the termination of American control of Cuba. If these matters were deemed of vital importance to the Island, why were they not put into effect at an earlier time? The affairs of the Island had gone on without them so well that the administration commented with pride and satisfaction upon their progress and development. If the new provisions were not imperative up to this time, it is fair to suppose that they might have rested until the Cubans themselves should act upon them. If the Cubans were not to be trusted to act wisely, they were manifestly unfit for self-government. There was no ground whatever for the issuance of such fundamental laws as those regulating municipal finance, restricting immigration, and amending the code of civil procedure, except that of an assumption of Cuban incapacity. Such incapacity being assumed, there was no justification for intrusting them with self-government.

On May 5, the elected Cuban Congress assembled in Havana, at the call of the Military Governor. They met at the Palace to receive the following message from General Wood:

"I have the honor, in the name of the President of the United States of America, and as Military Governor of the Island of Cuba, to welcome you and most earnestly wish you every success in the great work upon which you are

soon to enter. You have been convened solely for the purpose expressed in paragraph II of Order No. 101, dated Havana, April 14, 1902 (examining credentials of Congressmen and counting and rectifying vote of electoral college for President and Vice-President), and no legislative power will be vested in the Congress until after the formal transfer of the government to the government-elect, which transfer will take place at noon, May 20, 1902." Other less important information followed. Señor Mendez Capote was chosen by his associates to make reply, which he did in the following words (translation):

*Mr. Military Governor of the Island of Cuba:*

"In the name of my companions, Senators and Representatives of the Cuban Congress who have designated me for the mission of giving you an affectionate reply for the speech you have just made, I address you.

"We desire that you as Military Governor of the Island of Cuba notify the President of the United States Government and the American people, of our sincere gratitude for complying with the promises which they have given to the aspirations of the Cuban people for an independent republic.

"It is our earnest desire to comply with the mission with which we are charged by the Cuban Constitution, as adopted by the Constitutional Assembly.

"We give you our heartiest thanks for the good wishes which you have expressed for us in the accomplishment of the duties entrusted to us by our people."

Senators and Representatives then adjourned to the halls which had been provided for their respective use. During the succeeding days they effected their organization and transacted such routine business as fell within the scope of their then existing powers.

President-elect Palma sailed for Cuba during the latter part of April, and landed at Gibara, on the northeast coast of the Island. From that point, he crossed to Santiago, and to his old home near Bayamo, and then, partly by boat and partly by rail, proceeded to Havana, reaching that city on May 11. His course was a veritable triumphal procession. People of all classes, Spaniards as well as Cubans, bade him welcome, and received him with balls, dinners, and other forms of public entertainment. His speeches during the trip were broadly conservative, and did much to establish a general confidence in the future. Havana received him with great enthusiasm.

The ensuing days were spent in preparation, by the officials and by the people, for the coming event. Elaborate arches were erected in the streets of the city, and the morning of the 20th of May saw the streets, residences, and public buildings radiant with bunting. Many of the leading thoroughfares were converted into arcades of brilliant colors. The shipping in the harbor was decorated with a profusion rivalling that of the shore. The night of the 19th was a pandemonium of noise. Bombs and fire-crackers, large and small, banged, boomed, and snapped throughout the night. Sleep was evidently no object to thousands of Cuban patriots, and was made impossible for the less enthusiastic. At midnight some three thousand people were gathered in the Parque Central. The other parks presented their full quota of a noisy and excited throng. Rockets pierced the air from many points, and Cuba's natal day was ushered in with shouts and vivas and a terrific din of explosives. Steamers in the bay tied their whistles wide open and screamed a welcome to Cuba's birthday. The jubilation of the night slackened at about 3 A.M., but was quickly renewed by the opening of the noise of those who had reserved their energies

for the day. By five o'clock, the streets were thronged with a swarming mass bent upon noise-making and upon seeing all that was to be seen. Only slightly moderated, this was the experience of the nights and the days of the 20th, the 21st, and the 22d.

The ceremony of the official transfer was set for twelve o'clock, noon, of the 20th. At that hour there gathered in the State Apartment of the Palace, the officials of the American and the Cuban governments, the representatives of the foreign powers, and a limited number of guests whose position gave them claim to admission. It was in the same apartment that Castellanos signed the abdication of Spanish authority in the Island. [The ceremony of transfer was almost as brief and as simple as that of January 1, 1899. General Wood read the following letter of instruction from his superior at Washington, under date of May 10:

*To the President and Congress of the Republic of Cuba.*

Sirs: On the 20th of this month, the Military Governor of Cuba will, by my direction, transfer to you the control and government of the Island of Cuba, to be thenceforth exercised under the provisions of the Constitution adopted by your Constitutional Convention as on that day promulgated; and he will thereupon declare the occupation of Cuba by the United States to be at an end.

At the same time I desire to express to you the sincere friendship and good wishes of the United States, and our most earnest hopes for the stability and success of your government, for the blessings of peace, justice, prosperity, and ordered freedom among your people, and for enduring friendship between the Republic of the United States and the Republic of Cuba.

THEODORE ROOSEVELT,  
*President of the United States.*

Sundry details of the transfer were then submitted, including the following:

*Headquarters Department of Cuba,*

*L HAVANA, May 20, 1902.*

*To the President and Congress of the Republic of Cuba.*

Sirs: Under the direction of the President of the United States, I now transfer to you as the duly elected representative of the people of Cuba the government and control of the Island; to be held and exercised by you, under the provisions of the Constitution of the Republic of Cuba heretofore adopted by the Constitutional Convention and this day promulgated; and I hereby declare the occupation of Cuba by the United States and the Military Government of the Island to be ended.

This transfer of government and control is upon the express condition, and the Government of the United States will understand, that by the acceptance thereof you do now, pursuant to the provisions of the said Constitution, assume and undertake, all and several, the obligations assumed by the United States with respect to Cuba, by the treaty between the United States of America and Her Majesty the Queen Regent of Spain, signed at Paris on the 10th day of December, 1898.

All money obligations of the Military Government down to this date have been paid as far as practicable. The public civil funds derived from the revenues of Cuba transferred to you this day, amounting to \$689,191.02, are transferred subject to such claims and obligations properly payable out of the revenues of the Island as may remain. The sum of \$100,000 has been reserved from the transfer of funds to defray anticipated expenses of accounting, reporting, and winding up the affairs of the Military Government, after which any unexpended balance of said sum will be paid into the Treasury of the Island.

The plans already devised for the sanitation of the cities of the Island and to prevent a recurrence of epidemic and infectious diseases, to which the Government of the United States understands that the provision of the Constitution contained in the fifth article of the appendix applies, are as follows:

1. A plan for the paving and sewerage of the City of Havana

for which a contract has been awarded by the municipality of that city to McGivney, Rokeby & Co.

2. A plan for waterworks to supply the City of Santiago de Cuba, prepared by Capt. S. D. Rockenbach, in charge of the District of Santiago, and approved by the Military Governor, providing for taking water from the wells of San Juan Canyon and pumping the same to reservoirs located on the heights to the east of the city.

3. A plan for the sewerage of the City of Santiago de Cuba, a contract for which was awarded to Michael J. Dady & Co. by the Military Governor of Cuba, and now under construction.

4. The rules and regulations established by the President of the United States on the 17th of January, 1899, for the maintenance of quarantine against epidemic diseases at the ports of Havana, Matanzas, Cienfuegos, and Santiago de Cuba, and thereafter at the other ports of the Island, as extended and amended and made applicable to future conditions by the order of the Military Governor, dated ———, published in the Official Gazette of Havana on the —— day of April, 1902.

5. The sanitary rules and regulations in force in the City of Havana (and in any other city having official rules, etc.).

[*(a)* It is understood by the United States that the present government of the Isle of Pines will continue as a *de facto* government, pending the settlement of the title to said island by treaty pursuant to the Cuban Constitution and the Act of Congress of the United States approved March 2, 1902.]

*(b)* I am further charged by the President of the United States to deliver to you the letter which I now hand you.

[LEONARD WOOD, *Military Governor.*]

To this and to its accompanying communications, President Palma replied as follows:

Honorable General Leonard Wood.

[HAVANA, May 20, 1902.

Sir: As President of the Republic of Cuba, I hereby receive the government of the Island of Cuba which you transfer to me in compliance with orders communicated to you by the President of the

United States, and take note that by this act the military occupation of Cuba ceases.

Upon accepting this transfer I declare that the Government of the Republic assumes, as provided for in the Constitution, each and every one of the obligations concerning Cuba imposed upon the United States by virtue of the treaty entered into on the 10th of December, 1898, between the United States and Her Majesty the Queen Regent of Spain.]

I understand that, as far as possible, all pecuniary responsibilities contracted by the Military Government up to this date have been paid; that \$100,000, or such portion thereof as may be necessary, has been set aside to cover the expenses that may be occasioned by the liquidation and finishing up the obligations contracted by said government; and that there has been transferred to the Government of the Republic the sum of \$689,191.02, which constitutes the cash balance existing to-day in favor of the State.

In the belief that Article V of the amendment to the Constitution is applicable to the matter, the Government will take pains to facilitate the execution of the works of sanitation projected by the Military Government; furthermore, it will procure, in so far as depends upon the same and corresponds thereto in the sanitary measures for the necessities of both countries, the observance of the system implanted by the Military Government of Cuba.

It is understood that the Isle of Pines is to continue *de facto* under the jurisdiction of the Government of the Republic of Cuba, subject to such treaty as may be entered into between the Government of the United States and that of the Cuban Republic, as provided for in the Cuban Constitution and in the act passed by the Congress of the United States and approved on the 2d of March, 1901.]

I receive with sincere gratification the letters which President Roosevelt addresses to the Congress of the Republic of Cuba and to me, for the sentiments of friendship for the people of Cuba which inspire them.

I take this solemn occasion, which marks the fulfilment of the honored promise of the Government and people of the United

States in regard to the Island of Cuba, and in which our country is made a ruling nation, to express to you, the worthy representative of that grand people, the immense gratitude which the people of Cuba feel toward the American nation, toward its illustrious President, Theodore Roosevelt, and toward you for the efforts you have put forth for the successful accomplishment of such a precious ideal.

[ T. ESTRADA PALMA.]

This completed the formal ceremony and was immediately followed by the hauling down of the American flag and the substitution of the flag of Cuba in its stead. The exchange of flags was effected at all points where the American banner had waved as a national emblem, and was attended by the most enthusiastic demonstrations. This was notably the case in the hoisting of the Cuban flag over Morro Castle at the entrance to the harbor of Havana. Not even the hoisting of the Palace flag had such deep significance to the Cuban mind as the elevation of their own national emblem over that celebrated fortress. With the hoisting of the flag, everything that was noisy burst into demonstration. Whistles blew and cannon roared. Men shouted themselves hoarse and women shrieked their joy. Bombs and crackers added to the general din. This lasted for a quarter of an hour, but the pace was too hot to hold, and there came a reaction in the shape of still joyful but subdued sentimental feeling. The dense throng streamed away from the Palace, which had been for an hour the chief centre of interest, to renew its hilarious and noisy enthusiasm in every park and street in the city. Some followed the new officials as they attended the American officers to the wharf from which they immediately embarked. A large audience witnessed the departure and shouted cordial farewells.

Subject to the conditions imposed by the Platt Amendment, Cuba was *Cuba Libre y Independiente*. A new Republic was born, and the banner which was first displayed in the revolution of 1868, floated throughout the Island from Cape Antonio to Cape Maisi.

The new government was born out of sore trouble and distress, and there were many who predicted its speedy termination in failure. While this was in no way fairly warranted, there were attendant conditions which were far from encouraging. The industrial condition of the Island was deplorable, and the new government really started under a handicap of immediate insolvency. There were outstanding obligations, such as the pay of the Cuban army and the redemption of bonds issued during the revolution, which could only be met by a national loan.

The receipts and expenditures from Jan. 1, 1902, to May 20, 1902, are given as follows:\*

Receipts .....	\$7,057,014.23
Expenditures .....	7,982,615.76

The principal items of expenditure appear as follows:

Education .....	\$1,716,917.61
Sanitation .....	1,162,852.60
Public Works .....	932,929.03
Agriculture, Industry, and Commerce.....	62,650.26
Administration .....	481,656.03
Hospitals and Charities.....	542,922.16
Rural Guard .....	366,568.68
Justice .....	427,175.06
Postal Service .....	396,705.88
Customs Service .....	354,192.53

\* For fuller details see article on Revenues and Expenditures, Chapter XX.

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The commerce for the period is given as follows:

Total Imports ..... \$25,157,300.00

Total Exports ..... 23,133,719.00

Of the imports \$11,217,080 came from the United States,  
and \$13,940,220 from other countries. Of the exports,  
\$16,631,002 went to the United States, and \$6,502,717 to  
other countries.

## CHAPTER XIII

### THE CONSTITUTIONAL CONVENTION

HAVING reviewed in general outline the experiences of the full term of occupation, there remains a consideration of some of the more important features and incidents in fuller detail. The most momentous of these was the Constitutional Convention.

During the spring of 1900, the authorities in Washington deemed it expedient to take preliminary steps toward the establishment of a Cuban government. The decision was doubtless made from political considerations rather than because of any special recognition of Cuba's immediate readiness for the assumption of governmental control. Suspicion of the good faith of the United States was becoming apparent, and there were many who openly expressed their doubt of American intent to withdraw from the Island. Some restlessness was manifest in Cuba, and there were expressions of dissatisfaction with the existing government. There were also numerous indications that the prompt fulfilment of the pledge of the Joint Resolution was to be made an active feature in the political campaign of that year. For these, and for other reasons, it was decided to call a Constitutional Convention.

On July 25, there was issued the now historic Order No. 301. The order read as follows:

[No. 301

*Headquarters Division of Cuba,*

HAVANA, July 25, 1900.

The Military Governor of Cuba directs the publication of the following instructions:

Whereas, the Congress of the United States by its joint resolution of April 20, 1898, declared

¶ "That the people of the Island of Cuba are, and of right ought to be free and independent.

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination when that is accomplished, to leave the government and control of the Island to its people." ]

- And, Whereas, the people of Cuba have established municipal governments, deriving their authority from the suffrages of the people given under just and equal laws, and are now ready, in like manner, to proceed to the establishment of a general government which shall assume and exercise sovereignty, jurisdiction, and control over the Island.

Therefore, it is ordered that a general election be held in the Island of Cuba on the third Saturday of September, in the year nineteen hundred, to elect delegates to a convention to meet in the City of Havana, at twelve o'clock noon on the first Monday of November, in the year nineteen hundred, to frame and adopt a Constitution for the people of Cuba, and, as a part thereof, to provide for and agree with the Government of the United States upon the relations to exist between that Government and the Government of Cuba, and to provide for election by the people of officers under such Constitution and the transfer of government to the officers so elected.]

The election will be held in the several voting precincts of the Island under and pursuant to the provisions of the electoral law of April 18, 1900, and the amendments thereof.

The people of the several provinces will elect delegates in num-

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ber proportioned to their populations as determined by the census, viz:

The people of the Province of Pinar del Rio will elect three (3) delegates.

The people of the Province of Havana will elect eight (8) delegates.

The people of the Province of Matanzas will elect four (4) delegates.

The people of the Province of Santa Clara will elect seven (7) delegates.

The people of the Province of Puerto Principe will elect two (2) delegates.

The people of the Province of Santiago de Cuba will elect seven (7) delegates.

J. B. HICKEY,  
*Assistant Adjutant General.*

[The declaration that provision for the relations to exist between the new government and that of the United States was to be included in the Constitution "as a part thereof," called out much criticism in the United States and general opposition in the Island. It was declared that such provision was not within the proper scope of a Constitutional Convention. It involved a question of international treaties, and the point was urged that the right and power to make such treaties lay only with the duly elected officials of an established government. Political parties refused to participate under such terms; individuals declared that they would not go to the polls; and aspirants for election expressed their determination, in the event of their election, to resign from the Convention unless the terms were modified by the excision of the objectionable point, that of the incorporation of the matter of "relations" as an integral part of the Constitution. These protests, supported as they were by arguments and protests from American sources, became so em-

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phatic that assurances were given that the terms of the order would be modified.]

Following this call, there was issued, on August 11, the general terms and conditions of the election. This, subject to the modifications required for an election of different character, followed the lines of the order for municipal elections. The qualifications for the suffrage were the same.

The election was held on September 15. Contrary to that which might reasonably be expected, the election excited no widespread enthusiasm. The affair was one-sided and the vote a small one. At the time, three parties may be said to have existed. These were the Cuban National, composed almost entirely of the ultra-radical and military element; the Republican, a factional offshoot from the National and no less radical in its sentiments; and the Union Democratic, nominally representing the conservative element. The aims of the National and the Republican were much the same. The Union Democratic made little showing, electing only one member, Señor Giberga. The others, notwithstanding their different party titles, may be grouped as Radicals. Many assertions were made of fraud in the election methods, but no definite charges were preferred and no action was taken in the matter. The election resulted in the choice of the following gentlemen as members of the Constitutional Convention.

For the Province of Pinar del Rio — Gen. Juan Ruis Rivera; Dr. Joaquin M. Quilez; Señor Gonzalo de Quesada; with Messrs. Beltran, Villalon, and Manduley as substitutes.

For the Province of Havana — Generals José Lacret Morlot; Alejandro Rodriguez; Emilio Nunez; Drs. Miguel Gener; Manuel Sanguilly; Diego Tamayo; Leopoldo Berriel; Señor Alfredo Zayas; with Messrs. Pichardo, L. Rodriguez,

Vidal, Castellanos, Fonts y Sterling, Figueredo, F. Mora, and G. Mora, as substitutes.

For the Province of Matanzas — Generals Pedro Betancourt; Mendez Capote; Señor Eliseo Giberga; Señor Luis Fortun; with Messrs. Garmendia, Lajonchere, Martinez, and Jimenis, as substitutes.

For the Province of Puerto Principe — Messrs. Ramon Silva and Salvador Cisneros; with Messrs. Arango and O. F. Cisneros as substitutes.

For the Province of Santiago de Cuba — Messrs. Eudaldo Tamayo; Antonio Bravo; Rafael Portuondo; Juan Gualberto Gomez; Jose Fernando de Castro; Rafael Manduley; and Joaquin Castillo Duany; with Messrs. Garcia, Buduen, Sanchez, Clarens, Milanes, Torres, and Ferrer, as substitutes.

The Convention assembled at two o'clock on the 5th of November, 1900. A large and enthusiastic crowd had gathered in and around the building. [General Wood] called the assembly to order, and read the following, which was afterward issued as Civil Order No. 455.

"*Gentlemen:*

"As Military Governor of the Island, representing the President of the United States, I call this Convention to order.

"It will be your duty, first, to frame and adopt a Constitution for Cuba, and when that has been done, to formulate what, in your opinion, ought to be the relations between Cuba and the United States.

"The Constitution must be adequate to secure a stable, orderly, and free government.

"When you have formulated the relations which, in your opinion, ought to exist between Cuba and the United States, the Government of the United States will doubtless take such action on its part as shall lead to a final and authoritative agreement between

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the people of the two countries to the promotion of their common interests.]

"All friends of Cuba will follow your deliberations with the deepest interest, earnestly desiring that you shall reach just conclusions, and that, by the dignity, individual self-restraint, and wise conservatism which shall characterize your proceedings, the capacity of the Cuban people for representative government may be signally illustrated.

"The fundamental distinction between true representative government and dictatorship is that in the former every representative of the people, in whatever office, confines himself strictly within the limits of his defined powers. Without such restraint there can be no free constitutional government.

"Under the order pursuant to which you have been elected and convened, you have no duty and no authority to take part in the present government of the Island. Your powers are strictly limited by the terms of that order."

After reading the foregoing official instructions, General Wood made a brief personal address in which he emphasized the two essential features of the work of the Convention. A local paper (*The Havana Post*) reported this as follows:

"When Secretary Varona had concluded reading the Spanish translation of the address, General Wood made a few more plain remarks to the delegates. He wanted them to understand that they had been elected to frame a Constitution for Cuba. That was their plain duty. The matter of relations which should exist between Cuba and the United States was another matter. He wished them success."

The terms of the official order and these remarks of the Military Governor, speaking as the representative of the American administration, would seem to dispose, utterly and completely, of any ground for charges that, in omitting from their Constitution the question of relations, the Cubans were violating their instructions; and of all ground for any

just criticism for not making provision, in the body of their Constitution, for such relations. Yet these charges were brought again and again, and an endless amount of severe criticism was showered upon the Convention for its failure to violate its instructions.

[Order No. 455 effected the promised modification of the order of July 25. It distinctly provided for the omission of the vexed question of "relations" from the body of the Constitution. It called for no more than an expression of "opinion" of what those relations "ought to be." The point was emphasized by the Military Governor in his personal address to the Convention.]

[For some reason, this substitute order does not appear to have received wide circulation in the United States. If it did, it was given little attention. Its failure to receive general recognition became the basis of a wide-spread misconception during the ensuing months — a misconception which did much to excite unfriendliness between the people of the two countries, and much American uncharitableness toward the Cuban Convention.] When the special issue became prominent, namely, that of the separation of the matter of "mutual relations" from the body of the Constitution, and the substitution of an expression of "opinion" as an independent proceeding, the Convention was widely denounced in this country for its failure to include in the Constitution that which it had been expressly told to leave out. [This point is of importance from the fact that there is every reason for a belief that, owing to a mistaken view of the situation, many Americans assumed that the Cuban Convention was deliberately violating its definite instructions, and became prejudiced against the Cubans as a result of the assumption.] Much carping and unkind criticism appeared in the American press, and was expressed by

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prominent officials. This reached Havana through news channels, and excited a feeling of irritation and resentment.

Upon the completion of his remarks, the Military Governor withdrew from the hall, and the body proceeded to a temporary organization. Señor Pedro Llorente, the oldest member of the assembly, was chosen as temporary chairman, and Señor Enrique Villuendas, the youngest member, was chosen as temporary secretary. The Chief Justice of the Island then administered the following oath of office, to which all yielded their assent:

"We, the delegates elected by the people of Cuba to the National Constitutional Convention, swear and promise to fill our positions faithfully. We renounce publicly and solemnly our fidelity or contract, past, direct, or indirect, to any other State or nation; swearing the solemnity of the freedom and independence of Cuba, and accepting and obeying the Constitution which this Convention adopts as well as the government thereby established."

This renunciation of allegiance to other powers was necessitated by the fact that a number of the members of the Convention were naturalized American citizens. The first question raised was in regard to the rules to be adopted for the guidance of the Convention. Tumultuous applause followed the declaration of Señor Aleman that no new rules were necessary, as rules had already been adopted and used by the Cuban Revolutionary Congress. He said, "What was good enough for us when we were struggling in the field, is good enough for us here." The rules were adopted. After a brief discussion of the question of credentials and contested seats, the session adjourned. At a later meeting, Domingo Méndez Capote was chosen as permanent president, and Alfredo Zayas and Enrique Villuendas as permanent secretaries.

From the very beginning of the work of the Convention,

there was a tacit, if not a definitely expressed understanding that the United States and its official representatives were to stand entirely aloof from its proceedings. Owing to the impossibility of absolutely verifying certain rumors and suspicions which one is obliged to accept as facts without being able to establish them as such in the public mind by concrete incidents, there is difficulty in making any assertions respecting the degree of strictness with which this professed policy of non-interference was carried out. The term "obstructionists" came to the front during the sittings, and at least a fair number of the members of the Convention were convinced that the so-called "obstructionists" were influenced if not controlled by the military government. A motion to hold night sessions, as well as day sessions, was introduced, partly for the purpose of effecting a more rapid despatch of the work of the Convention, and partly for the purpose of forcing all or some of the suspected "obstructionists" to declare themselves. But no direct interference appeared until the middle of February, 1901.

The story of the making of Cuba's Constitution is generally similar to the story of all deliberative and legislative bodies. It is a story of routine; of work in committee-rooms; of public and private sessions; of the manœuvres of political parties to secure party advantage and party supremacy; and of effort to attain individual ascendancy. It is a story of tiresome discussion on trivial points, and of heated debate on important questions; of effort to secure the adoption of this or that plan, or to prevent the acceptance of this or that theory. Much time was consumed in effecting the working organization of the body, and in adopting rules for its procedure. Public sessions were practically suspended about the first of December, and the following weeks were given mainly to reviewing, in committee-rooms,

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the constitutions of other republics, and to the selection from them of such elements or provisions as met with the approval of the reviewers. Toward the end of the month, these, together with the individual ideas and propositions of some of the members, were assembled in a form which constituted a working basis for amendment, addition, or elimination. The first week in January saw the instrument in process of revision in the committee-rooms.

Committee work and secret sessions, with an occasional semi-public session, continued until Jan. 21, 1901. The American Constitutional Convention of 1787 sat behind closed doors for four months. On January 21, the Cuban Convention sat in a session which was open to the holders of special tickets, for a semi-public reading of the draft which constituted a general outline of the proposed instrument. More or less concerning the nature and provisions of the draft had become public property and little interest was shown in this session. The Constitution, as then submitted, was a combination of compromises. The same is to be said, with equal truth, regarding our own Constitution. In fact, many of the tangles, great and small, presented for the determination of the Cuban Convention, were remarkably like those which faced the United States during the opening years of its national life. Our own confusion over those problems, during the preparation of the American Constitution, forbids us any criticism upon the confusion and the little animosities which were engendered by their consideration in the Cuban Convention, and interesting parallels are presented in the processes of the establishment of republican governments. Individual members threatened to withdraw from the Cuban Convention, and there were times when a general disruption seemed imminent. Some members of the American Convention of 1787 did actually

retire, and there were the same more or less frequent indications of the dissolution of that body. Yet both, in due time, adjusted their differences, and submitted a collection of compromises.

The Cuban Constitution opens with the following preamble:

"We, the delegates of the people of Cuba, having met in Constitutional Convention for the purpose of preparing and adopting the fundamental law of their organization as an independent and sovereign people, establishing a government capable of fulfilling its international obligations, maintaining public peace, insuring liberty, justice, and promoting the general welfare, do hereby agree upon and adopt the following Constitution, invoking the favor of God."

The final clause of this preamble called out an animated discussion, and gave rise to one of the most dramatic incidents of the Convention. Señor Salvador Cisneros, a veteran of both the Ten Years' War and the Revolution of 1895, an ex-president of the so-called Republic of 1868, a man of upward of seventy-five years of age, proposed the striking out of the invocation of the favor of God. Señor Manuel Sanguilly, widely renowned among the Cubans for his power as an orator, in a speech of considerable length set forth his opinion that the matter was really one of little importance. There was no benefit in including the clause, and no advantage in striking it out. It would hurt none and might please some to have it left in. Immediately in front of Señor Cisneros, and facing Señor Sanguilly across the semi-circle formed by the arrangement of the desks of the delegates, sat Señor Pedro Llorente, a man of small stature, and of nervous, alert manner. He too had lived beyond the third quarter of a century. At times, his nervous energy made him almost grotesque. At times his absorbed earnest-

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ness made him, despite his stature, a figure of commanding dignity. Obtaining recognition from the chairman, he rose and stood, with upraised hand, his voice tremulous with emotion, to protest against the measure, and to declare as one not far from the close of life, that the assembled body did not represent an atheistic people. The Cisneros motion was defeated, and the Convention proceeded to discuss the Articles of the Constitution in their order. Article I is as follows:

"The people of Cuba are hereby constituted a sovereign and independent State, and adopt a republican form of government."

This was promptly adopted without discussion or dissenting vote. While various minor changes in the phraseology of some of the parts were effected, no really serious difficulty was encountered until that was reached which now stands as Article XXVI. It refers to the freedom of religious belief and form of worship, and the relations which should exist between Church and State. This occasioned an animated debate between the supporters of the old system of a Church intimately associated with and, in part, financially maintained by the State, and those of the newer school who stood for a complete separation of the two authorities. The discussion resulted in the adoption of the article, as it now stands, as follows:

"The profession of all religious beliefs, as well as the practice of all forms of religion, are free, without further restriction than that demanded by the respect for Christian morality and public order. The Church shall be separated from the State, which shall in no case subsidize any religion."

The question of universal suffrage constituted another bone of active contention. Among the total number of Cubans of voting age, there was a considerable percentage

both of blacks and illiterates. There were also many who could not qualify under a property clause. Yet, to bar any or all of these from the right of participation in the affairs of the new government, meant the exclusion of many thousands whose work as soldiers in the liberating army made the existence of that government a possibility. The exclusion of such from the polls would have been a manifest injustice, and would have established a government of the many by the few, a principle inconsistent with the first article of their Constitution. To admit all to the rights of citizenship laid the new government broadly open to all the dangers of placing so great a power in the hands of a group which included a large percentage of the ignorant and the irresponsible. Restriction meant almost certain disorder, and disorder meant disaster to the new institution. Universal suffrage might contain a menace of difficulties, but it was the safer course, and that system was adopted subject to the usual limitations of mental and legal incapacity.

Another active controversy arose regarding qualifications for the presidency. To limit eligibility to native-born Cubans barred Maximo Gomez, a native of Santo Domingo, from candidacy and election. Many of those who were opposed to General Gomez as an aspirant for presidential honors, felt that to close the door in his face by constitutional enactment would be an act of disgraceful ingratitude. Gomez stood high in the esteem of the great mass of the Island people, but he was not liked by the majority of the political leaders. He had bitter enemies in the Convention, and they fought the point of possible candidacy until their final defeat by a bare majority. The discussion lasted, in public and in private session, for a number of days, and evoked a spirit of personal bitterness beyond that displayed upon any other measure.

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Other points of notable debate were:

The right of government to expel pernicious aliens.

Popular election of Senators.

The governmental powers of the provinces.

The recognition of Cuban debts.

General state control of education.

No decisions, in either public or secret sessions, were made without careful consideration. In fact, critics were disposed to charge an undue deliberation over many points, and there is no doubt that, at the time, there were not a few periods when it seemed as though valuable time was being wasted. Yet, so far as the Constitution itself is concerned, the work of the Convention was carried out with all reasonable despatch, and the result was distinctly creditable notwithstanding the unkindly and unjust criticism passed upon it by some whose information and courtesy were equally limited.

As a theory, the signing of a constitution is a notable event in a nation's history. As a fact, the signing of the Cuban Constitution was little more than an incident in the day's work. On Monday, February 11, the instrument appeared in the form of a printed pamphlet. All changes, modifications, amendments, and rearrangements in its phraseology had been effected, except the few minor alterations which were made in its grammar and wording at the session of that day. It was then ready to be engrossed and signed. [The 21st of February was designated as the day for the official signature.] No special effort was made to give the event the dignity of an important ceremonial. Tickets of admission were issued as they were to the ordinary sessions. A band was in attendance, and the foreign consuls were given special invitations. The Military Gov-

ernor was not present in person nor by representation. The hall was fairly filled but not in any way crowded.

As a scene, there was little or nothing to mark the time as an event of special note in a nation's history. The Constitution, in its final form, was read from the engrossed copies, and the members of the Convention filed up to the speaker's desk to affix their signatures. At the close of the reading, the band played the Cuban national air, the audience and the members of the Convention standing during its performance. The signing completed, President Mendez Capote made a brief address, stating that the delegates had put the best of their thought and judgment into the work which was then consummated, and expressing the hope that upon the result there might rest a free, happy, and prosperous republic. A little hand-clapping followed until an enthusiast in the audience shouted *Viva la Republica de Cuba*. Shouts, cheers, and hand-clapping lasted for perhaps half a minute, and the ceremony was ended.

Outside the hall, the general public paid no attention to the incident. On the streets, in clubs, cafés, and theatres, there was no sign of any unusual occurrence. Many did not even know what had been done. But there were many who were quite indifferent because they doubted the good faith of the interventors, and regarded the whole proceeding as a bit of farcical politics, practically meaningless. It was believed that the American Congress would sit in judgment on the work of the Convention, and this was not a satisfactory reflection to those whose representatives had so recently asserted, in their name, that "The people of Cuba are hereby constituted a sovereign and independent State." Annexationists and ultra-conservatives were in no way inclined to jubilation over any Constitution which might be drafted. Those whose aim and desire was independence, without limi-

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tation and supervision, were not disposed to enthusiasm over a Constitution which they understood must be submitted for approval or amendment by a foreign power.

As a Constitution, the Cuban production is not a perfect instrument. Neither was the American at the time of its adoption, and there are many who doubt its perfection even now. Our State constitutions have been subjected to frequent change and even to almost complete readjustment. As a working basis for governmental conduct, the Cuban Constitution is unquestionably as competent and suitable an instrument as any that could have been drawn, either by Cubans or Americans. It was framed within an entirely reasonable time, a little less than four months, and its production was attended by no more friction than is customary in all constitution-making bodies.

[In his annual report for 1901 (p. 45) Secretary Root comments upon the Cuban Constitution as follows:

"I do not fully agree with the wisdom of some of the provisions of this Constitution, but it provides for a republican form of government; it was adopted after long and patient consideration and discussion; it represents the views of the delegates elected by the people of Cuba, and it contains no features which would justify the assertion that a government organized under it will not be one to which the United States may properly transfer the obligations for the protection of life and property under international law, assumed in the Treaty of Paris." ]

This would appear to be the only properly justified position of the United States toward such an instrument as the Cuban Constitution. Much trouble, for both countries, would have been avoided had the United States stopped at that point, recognized the work of the Convention, and proceeded to the organization of a government under the Constitution. That government organized, a satisfactory treaty

could have been effected under which all the rights and interests of the United States would have been duly conserved and protected, and in which provision could and should have been made for commercial relations between the two countries, based upon a favorable if not a free exchange of natural and manufactured products. The natural and proper step at this point was the establishment of a Cuban government, elected by the people of the Island, and the consummation of a permanent treaty of friendship and commerce.

## CHAPTER XIV

### THE QUESTION OF "RELATIONS."

THE completion of the work of framing a Constitution for the Republic of Cuba was followed by the consideration of the question of what, in Cuban opinion, "ought to be the relations between Cuba and the United States." While the matter was not definitely taken up at any time, this question constantly intruded itself into the discussions upon the Constitution. Believing, as many did, and as they were given to understand, that the American Congress would review and revise the work of the Convention, and probably insist upon the elimination of any provisions which were unacceptable to the American authorities, there was present in the Convention, and outside of it, an undercurrent of query regarding the manner in which this or that in the Constitution might affect the American reviewers. There was also a realization of the fact that the matter of "relations" would be of more direct concern to the American Government than would the general terms of the Constitution.

A large proportion of the American press, and many American officials, failing to realize the definiteness of the instructions given to the Convention at the time of its assembling, on November 5, were engaged in severe and unkindly criticism of the Convention for its failure to include any reference to the United States. While such reference had no proper place in the Constitution of an independent nation, there was, in the United States, a widely prevalent idea that

Cuba, in spite of the pledge of the Joint Resolution, was and must be a dependency, more or less clearly defined, of that country. An endless amount of misunderstanding and confusion followed this mistake of a notable percentage of the American people.

[On the one hand stood the assertion of the United States, made at the beginning of the war, that "Cuba is and of right ought to be free and independent." On the other hand stood the Treaty of Paris by which it was generally understood that the United States assumed responsibility for Cuba's future. There was also the fact that the United States, having intervened in Cuban affairs for the purpose of definitely terminating a situation which had become "intolerable," primarily to the American people, and incidentally to Cuba and to civilization in general, seemed bound to establish an institution which should make impossible a repetition of the previous conditions.]

[The latter proposition was quite untenable. Law, order, and peace may be declared, but cannot be assured, by either constitutional provisions or by international treaties. There was doubt of the responsibility of the United States after its withdrawal upon the pacification of the Island, beyond that which existed as well without as with constitutional provisions. In the absence of such provisions, the same justification for American intervention would exist at any future time as that which existed when the United States, through its President, declared the situation to be intolerable, and insisted that it be terminated. The assumption of renewed disturbance, arising from Cuban incapacity for self-government, or from Cuban disposition to turbulence, was an hypothesis based either in a limited knowledge of insular conditions or in unjust or uncharitable indifference to those conditions.]

For their bearing upon the special issue, the provisions of the [Treaty of Paris] may be repeated here. [Article I] of that treaty declares that:

[“Spain relinquishes all claim of sovereignty over and title to Cuba. And as the Island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation lasts, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.”]

Article XVI declares that:

“It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any government established in the Island to assume the same obligations.”]

[While the letter of these articles would seem to limit, with sufficient definiteness, American obligation and responsibility to the “time of its occupancy,” that view of it was not taken by the administration and its supporters. It was their argument that responsibility existed beyond “the time of occupancy.” It may be admitted that it did so extend, but it may be questioned whether that responsibility was in anyway modified or affected by the imposition of terms which were so notably offensive to so large a number of the Cuban people.]

The Cubans understood very clearly that which they were told to do in Order No. 455, which supplanted Order No. 801. This was not understood in the land of its origin, and there was a constant insistence there that Cuba do precisely that which she had been definitely told not to do. The American press of the period was filled with animated controversy. One group stood for the faithful fulfilment of

the terms of the Joint Resolution by the establishment of an independent republic over whose acts the United States should exercise no supervision or control beyond that involved by the expressions of the Treaty of Paris. [That treaty unquestionably placed upon the United States a measure of responsibility for Cuba's peace, and for the due protection of the life and property of all residents in the Island, native and foreign. But it gave the United States no right to assume that Cuba was incapable of properly conducting her own affairs, and no right to intervene in those affairs until Cuban incapacity had been demonstrated by some overt act.] [The attitude of the other group, the anti-Cuban, was based upon an unwarranted and uncharitable assumption that Cuba would not, and probably could not, discharge with due ability and fidelity the duties devolvent upon her as an absolutely independent nation. Out of this assumption there came, later on, that which is known as the Platt Amendment.]

As the Constitution began to assume a determined shape, the question of "relations" also began to assume definite form in the minds of the Cubans. [The first concise public statement appeared in the press soon after the first of January, 1901. That was made in the following terms, as a tentative proposition which fairly reflected Cuban sentiment:

"1. The Republic of Cuba regards, as a necessity for its preservation, in accordance with the spirit of the Monroe Doctrine, the establishment of definite relations of friendship and commerce with other nations. In order to maintain the principles of that doctrine, she will proceed in all cases, in peace as well as in war, in common accord with the United States.

"2. The Republic of Cuba will place at the disposal of the United States, should the latter so desire, part of the shore of any bay on the north coast, and of any two bays on the south coast of

Cuba; such territory conceded to be selected by the United States and to be used for the establishment of naval and coaling stations, the concessions to be of sufficient area to permit of proper defence and sanitation.

"3. The Republic of Cuba will put herself on a war footing whenever the United States shall consider her assistance necessary to defend or protect the independence of the States which constitute the entire American continent.")

This elicited no opposition and very little of adverse criticism. Its terms included the cession of those naval and coaling stations which, when demanded by the Platt Amendment, became a subject of general refusal and condemnation. [About the first of February there appeared another proposition.] This, although attacked by some of the ultra-radicals, met with a general approval on the part of the people. It read as follows:

"1. That the Republic, for a period of two years after the establishment of independence, will conduct its foreign affairs through the United States; will make no treaty with any other nation prejudicial to the United States; and will accept no compromise which might give rise to the occupation of the Island or to intervention in its Customs.

"2. That the United States, for a period of two years after the establishment of independence, may occupy forts in Cuba, provided the Cuban flag flies with the American.

"3. That Cuba will lease to the United States two coaling stations, and will give no commercial advantages to any other nation which are not given to the United States.

"4. That none of these concessions or promises is to be taken to imply any cessation of the sovereignty of Cuba, or any lessening of her complete independence.")

Had the United States, at this time, adopted the policy of non-interference, there is every reason for belief that the confusion and ill-feeling engendered by the subsequent pro-

ceedings would have been avoided. [It may also be said that there is every reason to believe that had the United States left the Cubans to act in accordance with the instructions given them on Nov. 5, 1900, the Convention would have submitted an "opinion as to what the relations ought to be" between the two countries which would have safeguarded American interests quite as effectively as the Platt Amendment. As a friendly neighbor, grateful for that which the United States had done for her, Cuba desired the establishment of intimate relations with the American people. Yet, as an independent and sovereign nation, she was disposed to protest against the right of the United States to demand that which so clearly limited her independence. She wished to exercise her right to give, as an independent nation, by treaty with a friendly power, that which she was loth to yield in response to a demand from a superior force. In the one case, her act would become that of a sovereign power; in the other, she would confess a measure of subjection inconsistent with the initial assertion of her Constitution.]

But the American administration saw fit to interfere and did so, on February 15, in a manner which offended the Cubans and stirred their suspicions of American good faith. Whether the step was taken upon a basis of distrust of Cuban ability to formulate a reasonable opinion upon the subject of relations; or from a desire to coerce the Cubans into some acknowledgment of the rights of the United States to continue, though in another form, its guardianship of Cuban affairs; or whether it was due to the failure of the Military Governor to measure the situation with exact accuracy, is not readily to be determined. The mistake lay in interference of any kind at so critical a moment, and the results were unfortunate for both countries.

[On February 9, the War Department sent the following

instructions to General Wood.] From the amount of argument and explanation which attends the brief statement of the American desires, it is to be inferred that explanation of the American attitude was regarded as necessary. The communication was as follows:

*[War Department.*

WASHINGTON, Feb. 9, 1901.

Sir: As the time approaches for the Cuban Constitutional Convention to consider and act upon Cuba's relations with the United States, it seems desirable that you should be informed of the views of the Executive Department of our Government upon that subject in a more official form than that in which they have been communicated to you hitherto. [The limitations upon the power of the Executive by the resolution of Congress of April 20, 1898, are such that the final determination upon the whole subject may ultimately rest in Congress, and it is impracticable now to forecast what the action of Congress will be. In the meantime, until Congress shall have acted, the military branch of the Government is bound to refrain from any committal, or apparent committal, of the United States to any policy which should properly be determined upon by Congress, and, at the same time, so far as it is called upon to act or to make suggestions bearing upon the course of events, it must determine its own conduct by reference to the action already taken by Congress, the established policy of the United States, the objects of our present occupation, and the manifest interests of the two countries.

The joint resolution of Congress of April 20, 1898, which authorized the President to expel the Spanish forces from Cuba, declared — "that the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and the control of the Island to its people."

The treaty of peace concluded at Paris on the 10th of Decem-

ber, 1898, and ratified by the Senate on the 6th of February, 1899, provides in the first article that —

"As the Island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may, under international law, result from the fact of its occupation, for the protection of life and property."

It contains numerous obligations on the part of the United States in respect of the treatment of the inhabitants of the territory relinquished by Spain, such as the provision of the tenth article, that the inhabitants shall be secured in the free exercise of their religion; of the eleventh article, that they shall be subject to the jurisdiction of the courts, pursuant to the ordinary laws governing the same, and of the ninth article, that they shall retain all their rights of property, including the right to sell or dispose thereof, and the right to carry on their industry, commerce, and professions. The sixteenth article of the treaty provides that the obligations assumed in the treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof, but that it shall, upon the termination of such occupancy, advise any government established in the Island to assume the same obligations.

Our occupation of Cuba has been under the binding force both of the resolution and the treaty, and the pacification mentioned in the resolution has necessarily been construed as co-extensive with the occupation provided for by the treaty, during which we were to discharge international obligations, protect the rights of the former subjects of Spain, and cause or permit the establishment of a government to which we could, in good faith, commit the protection of the lives and property and personal rights of those inhabitants from whom we had compelled their former sovereign to withdraw her protection. It is plain that the government to which we were thus to transfer our temporary obligations should be a government based upon the peaceful suffrages of the people of Cuba, representing the entire people and holding their power from the people, and subject to the limitations and safeguards which the experience of constitutional government has shown to be necessary to the preser-

vation of individual rights. This is plain as a duty to the people of Cuba under the resolution of April 20, 1898, and it is plain as an obligation of good faith under the treaty of Paris. Such a government we have been persistently and with all practicable speed building up in Cuba, and we hope to see it established and assume control under the provisions which shall be adopted by the present convention. [It seems to me that no one familiar with the traditional and established policy of this country in respect to Cuba can find cause for doubt as to our remaining duty. It would be hard to find any single statement of public policy which has been so often officially declared by so great an array of distinguished Americans authorized to speak for the Government of the United States, as the proposition stated, in varying but always uncompromising and unmistakable terms, that the United States would not under any circumstances permit any foreign power other than Spain to acquire possession of the Island of Cuba.

Jefferson and Monroe and John Quincy Adams and Jackson and Van Buren and Grant and Clay and Webster and Buchanan and Everett have all agreed in regarding this as essential to the interests and the protection of the United States. The United States has, and will always have, the most vital interest in the preservation of the independence which she has secured for Cuba, and in preserving the people of that Island from the domination and control of any foreign power whatever. The preservation of that independence by a country so small as Cuba, so incapable, as she must always be, to contend by force against the great powers of the world, must depend upon the strict performance of international obligations, upon her giving due protection to the lives and property of the citizens of all other countries within her borders, and upon her never contracting any public debt which in the hands of the citizens of foreign powers shall constitute an obligation she is unable to meet. The United States has, therefore, not merely a moral obligation arising from her destruction of Spanish authority in Cuba, and the obligations of the treaty of Paris for the establishment of a stable and adequate government in Cuba, but it has a substantial interest in the maintenance of such a government.]

We are placed in a position where, for our own protection, we have, by reason of expelling Spain from Cuba, become the guarantors of Cuban independence and the guarantors of a stable and orderly government protecting life and property in that Island. Fortunately the condition which we deem essential for our own interests is the condition for which Cuba has been struggling, and which the duty we have assumed toward Cuba on Cuban grounds and for Cuban interests requires. It would be a most lame and impotent conclusion if, after all the expenditure of blood and treasure by the people of the United States for the freedom of Cuba, and by the people of Cuba for the same object, we should, through the Constitution of the new government, by inadvertence or otherwise, be placed in a worse condition in regard to our own vital interests than we were while Spain was in possession, and the people of Cuba should be deprived of that protection and aid from the United States which is necessary to the maintenance of their independence.<sup>1</sup> It was, undoubtedly, in consideration of these special relations between the United States and Cuba that the President said in his message to Congress of the 11th of April, 1898:

"The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

"In view of these facts and of these considerations I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the Island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes."<sup>1</sup>

[And in his message of Dec. 5, 1899:

"This nation has assumed before the world a grave responsibility for the future good government of Cuba. We have accepted

a trust, the fulfilment of which calls for the sternest integrity of purpose and the exercise of the highest wisdom. The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured.] Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own, but how and how far is for the future to determine in the ripeness of events. Whatever be the outcome, we must see to it that free Cuba be a reality, not a name, a perfect entity, not a hasty experiment bearing within itself the elements of failure. Our mission, to accomplish which we took up the wager of battle, is not to be fulfilled by turning adrift any loosely framed commonwealth to face the vicissitudes which too often attend weaker states whose natural wealth and abundant resources are offset by the incongruities of their political organization and the recurring occasions for internal rivalries to sap their strength and dissipate their energies.")

And it was with a view to the proper settlement and disposition of these necessary relations that the order for the election of delegates to the present Constitutional Convention provided that they should frame and adopt a Constitution for the people of Cuba, and as a part thereof provide for and agree with the Government of the United States upon the relations to exist between that Government and the Government of Cuba.

[The people of Cuba should desire to have incorporated in her fundamental law provisions in substance as follows:

"1. That no government organized under the Constitution shall be deemed to have authority to enter into any treaty or engagement with any foreign power which may tend to impair or interfere with the independence of Cuba, or to confer upon such foreign power any special right or privilege, without the consent of the United States.

"2. That no government organized under the Constitution shall have authority to assume or contract any public debt in excess of the capacity of the ordinary revenues of the Island after defraying the current expenses of government to pay the interest.

"3. That upon the transfer of the control of Cuba to the government established under the new Constitution Cuba consents that the United States reserve and retain the right of intervention for the preservation of Cuban independence and the maintenance of a stable government, adequately protecting life, property, and individual liberty, and discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States and now assumed and undertaken by the Government of Cuba.

"4. That all the acts of the Military Government, and all rights acquired thereunder, shall be valid and shall be maintained and protected.

"5. That to facilitate the United States in the performance of such duties as may devolve upon her under the foregoing provisions and for her own defence, the United States may acquire and hold the title to land for naval stations, and maintain the same at certain specified points."

These provisions may not, it is true, prove to be in accord with the conclusions which Congress may ultimately reach when that body comes to consider the subject, but as, until Congress has acted, the Executive must necessarily within its own sphere of action be controlled by its own judgment, you should now be guided by the views above expressed.

It is not our purpose at this time to discuss the cost of our intervention and occupation, or advancement of money for disarmament, or our assumption under the Treaty of Paris of the claims of our citizens against Spain for losses which they had incurred in Cuba. These can well be the subject of later consideration.

Very respectfully,

ELIHU ROOT,

Maj. Gen. LEONARD WOOD,

*Secretary of War.*

*Military Governor of Cuba, Havana, Cuba.]*

This was the plea of an able lawyer made in support of the case of his client. Assuming it to have been a fair expression of the views of the administration, a question arises concerning the fairness of withholding the statement until

so critical a time. This may be answered by pleading a supposition that the subject would be included in the Constitution, yet it is not easy to see how that could be done in the face of the previous experience and the definite instructions of Order No. 455. [The communication reached Havana on the morning of February 15.]?

The Military Governor had planned a shooting trip on that day. [Instead of submitting the Washington proposals to the Convention, beyond a doubt the proper course, he summoned the Committee on Relations to accompany him upon the railway portion of his expedition, and made the communication directly to this group.] Cuban courtesy forbade these gentlemen to display the resentment which they felt at the informal manner in which a communication which was really of an official nature, was, in the words of one of the committee, "pitched at" them. They were offended both by the manner and by the fact of an interference in their proceedings which they rightly regarded as unwarranted. An immediate change was manifest in the sentiment of the Convention, though the incident might have been disregarded had it not been followed, a week later, by a second interference in which the Convention was again officially ignored. Beyond any question, the proper course for this, as well as for the earlier communication, was its formal presentation to the Convention for such action as that body might see fit to take in the matter. [General Wood forwarded it, as a personal communication, to the chairman of the Committee on Relations, Señor Diego Tamayo, a member of the Military Governor's Cabinet, and generally regarded as more than a little influenced by his chief.] The immediate result of this second communication is fairly indicated in a report submitted by the Committee

immediately after its transmission by Señor Tamayo to his associates.

This was prepared at a night session on February 26 and was accepted by the Convention at 2 A.M., of the 27th. Extracts from that report are as follows:

(*Translation.*)

"The Constitutional Convention, following the orders of the American Government, as published in the *Gaceta* of this Island on the 26th of July and the 6th of November, 1900, as Civil Orders Nos. 301 and 455, and the instructions of the Military Governor in his speech upon opening the Convention, comply with the various requests therein contained; namely: to frame and adopt a Constitution for the Island of Cuba; to state its opinion concerning the relations which should exist between the United States and Cuba; to provide for the election of officers . . . and for the transfer of the government of the Island to such officers. . . . The committee to whom this honorable task (that of formulating the required opinion) has been assigned believed, when it first met, that the work would be short and easy of accomplishment. [Toward the people of the United States, all Cubans maintain sentiments of such deep gratitude for the powerful and decisive help rendered in our struggle for separation from Spain, and to create for ourselves an independent and sovereign state, that it seemed to all, that, in stating the desired 'opinion,' we could only declare that we thought the United States and Cuba should forever maintain the ties of friendship most intimate and fraternal, as there exists no possibility of conflict between their legitimate interests; neither is there room for the least difference between their rational aspirations.]

"But no sooner had the Committee on Relations been organized than the Honorable Governor of the Island demanded a private interview, during which he made known a communication from the American Secretary of War, containing the terms suggested and recommended by the American Executive, as the basis of the opinion which it solicited. From that moment, the committee

was obliged to proceed with greater caution, as the subject had to be considered from another point of view, inasmuch as the earlier instructions (Orders Nos. 301 and 455) provided for the free formulation of their opinion concerning the relations which should exist between the two countries. But the receipt of the said communication, bearing date of February 21, indicated that something new had arisen which cannot be disregarded by the committee.

"We are the delegates of the people of Cuba. Therefore our primary duty lies in interpreting the will and serving the necessities of our people. It was apparent that the intimations of the American Executive contained only the expression of what, in *his* judgment, the people of Cuba ought to desire in the matter of future relations. . . . It is clear and plain that this is sufficient reason for our giving them (the opinions of the American Executive) a careful consideration. . . . But we have a complete right to accept or reject them, to select from them that which we think fit, to add to them or to subtract from them, or to substitute for them others according to the dictates of our consciences, holding always before us our duty to reconcile all that may be a legitimate interest or a rational proposal of the people of the United States, with our own highest interests and sacred rights."

The undersigned committee, while accepting the starting point of the American Executive — which provides that the independence of Cuba shall remain absolutely guaranteed — is of the opinion that some of these stipulations are not acceptable, inasmuch as they modify the independence and sovereignty of Cuba. Our duty consists in making Cuba independent of all other nations, including the great and noble American nation; and if we bind ourselves to ask the consent of the United States to our international treaties; if we allow them to retain the right to intervene in our country to support or displace administrations, and to fulfil rights which only concern the Cuban Government; and if, lastly, we concede to them the right to acquire and maintain any title over any lands whereon they may establish naval stations, it is plain that we should appear to be independent of the rest of the world, but surely we should never be so with relation to the United States."

While this document was of considerable length, with generous amplification and explanation of its propositions, these are its essential features. It included a quotation of the proposals of the American administration which are here presented in company with the tentative proposals submitted in response by the Committee.

**THE AMERICAN PROPOSALS.**

1. That no government organized under the Constitution shall be authorized to enter into any treaty or compact with any foreign Power which shall restrict or limit the independence of Cuba, or to grant to any foreign Power any rights or special privileges without the consent of the United States.

2. That no government organized under the Constitution shall have power to assume or to contract any public debt beyond the normal capacity of the annual revenues for the payment of current expenses, the payment of interest, and provision for the extinguishment of the debt.

3. That in the transfer of control of Cuba to the new government established under the new Constitution, it is agreed that the United States shall reserve and hold the right of intervention for the

**THE CUBAN PROPOSALS.**

1. The Government of the Republic of Cuba shall not enter into any treaty or agreement with any foreign Power or Powers which might compromise or limit the independence of Cuba, or which might, in any way, authorize any foreign Power or Powers to acquire, through colonization or for military or naval purposes, any lodgment, authority or right over any portion of Cuba.

2. The Government of the Republic of Cuba will not permit its territory to be used as a base of war operations against the United States or any other nation.

3. The Government of the Republic of Cuba accepts in its entirety the Treaty of Paris of the 10th of December, 1898, in that which it affirms of the rights of the Cubans as well as the obligations which are tac-

## (THE AMERICAN PROPOSALS.)

preservation of the independence of Cuba, and the maintenance of a stable government which shall duly protect life, property, and individual liberty, and which shall fulfil, respecting Cuba, the obligations imposed by the Treaty of Paris upon the United States and now assumed by the Government of Cuba.

4. That all of the acts of the Military Government, and of the rights acquired through them, shall be regarded as valid, and be maintained and protected.

5. That, for the better enabling of the United States to comply with such duties as are imposed upon them by these stipulations and provisions, and for suitable defence, the United States shall acquire and hold title to territory for the maintenance of naval stations at certain specified points.

Thus the whole situation was changed. Coincident with this unfortunate step, the American press was filled with

## (THE CUBAN PROPOSALS.)

itly imposed, and especially as concerns the obligations imposed by international law, referring to the protection of life and property, accepting for itself the obligations assumed by the United States in this regard, according to Articles I and XVI of said Treaty of Paris.

4. The Government of the Republic of Cuba shall recognize as legally valid the acts executed by the Military Government, during the term of its occupation, for the good government of Cuba, as well as the rights acquired under said acts, and in conformity with the Joint Resolution, and the second section of the United States Army Bill of 1899-1900, known as the Foraker Bill, and with the existing laws in force in the country.

5. The Government of the United States and that of the Republic of Cuba shall regulate their commercial relations by means of a treaty based on reciprocity with a tendency toward the free interchange of their natural and manufactured products, and which will mutually assure them ample special advantages in their respective markets.

discussion concerning an extra session of Congress for the consideration of the Cuban question. The month of February was a time of confusion, misunderstanding, and cross-purposes. President McKinley was insistent upon an immediate settlement of the Cuban matter, and Congress was anxious for a prompt termination of its session. Although the Cuban Constitution was not definitely accepted in its final and completed form until February 15, its general outline was made public on January 21, and it was known that it contained no reference to the future relations of the two countries. The adjournment of Congress was due on March 4. The Cubans had been and were being criticised both for undue haste and for unreasonable delay in their proceedings. The matter was discussed in Cabinet conferences in Washington, and these conferences resulted in the submission of the suggestions which have been quoted in the foregoing paragraphs. [ Senator Platt, of Connecticut, the Chairman of the Senate Committee on Relations with Cuba, expressed his opinion that Congress had no power to deal directly with the Cuban Constitution. He said, "We can neither approve, reject, nor in any way amend or modify the Cuban Constitution by act of Congress. . . . Cuba, being a foreign country, is privileged to establish her own government without let or hindrance." But in the matter of future relations, he held that, although Cuba was a foreign country, the United States, by virtue of the grounds upon which it intervened in Cuban affairs, possessed certain rights and privileges in the Island, and that it was in duty bound, in the interests of both countries, to safeguard those rights and privileges.]

[ From his particular standpoint, and from that of those who supported him, there can be no question of the correctness of his views. By its own act, the United States was

pledged to the establishment of Cuban independence. It was also virtually pledged to the establishment of a stable government by the Cuban people. It had made itself the guarantor of a government which should be capable of protecting life and property in the Island. It had assumed responsibilities which could not be disregarded. Stable government and security of life and property are not possible of full assurance by the mere promulgation of laws or constitutions. The point upon which the whole controversy of the time really turns is whether there was warrant and justification for an assumption that the Cubans could not or would not, by their own conduct, endorse and carry out the requisite conditions.]

The Cuban view of the matter was not entirely harmonious, even in the Convention. So far as demarkation is possible, it may be said that a conservative element favored an active and recognized American supervision with some measure of American control. The radical element stood for the terms of their Constitution which declared Cuba to be "a sovereign and independent state." The numerical strength of these respective groups was impossible of determination by estimate. A plebiscite was urged by some, but the proposals were disregarded, and active discussion continued. The situation was further complicated by the knowledge, which promptly reached the Island, that the Senate Committee on Relations with Cuba was engaged in the preparation of a measure which, if accepted and passed by Congress and signed by the President, was tantamount to an ultimatum. It was known that this measure proposed to make the withdrawal of American authority conditional upon the acceptance of terms which the Cubans regarded as subversive of their independence as a nation, and a direct violation of the pledge of the Joint Resolution.

## CHAPTER XV

### EFFECT OF THE PLATT AMENDMENT

THE position taken at this time by the American authorities is not readily to be understood or excused. It was distinctly inconsistent and illogical. Having instructed the Cubans, in Order No. 301, to include in their Constitution the terms of the future international relations; and, later, by Order No. 455, having instructed the omission of those terms; the matter was definitely taken out of the hands of the Cubans by American action. This was done before the Convention had been allowed a reasonable time for consideration of the subject.

An amendment to the Army Appropriation Bill was rushed through both houses of the American Congress with only an hour or two of discussion. No excuse whatever appears for the summary despatch of a measure of such importance as the international relations of two countries whose future, politically and commercially, demanded the closest and most amicable of ties. It is safe to assume that the situation was not a little influenced by the reports and opinions of the Military Governor, who supposed himself to be in close touch with Cuban affairs and accurately informed regarding Cuban opinion. He was neither in harmony nor in touch with the real Cuban sentiment.

A peculiar incident arose at this time, and was of no small influence in determining the attitude and action of the United States Congress. [On February 26, there was an

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interview at the Palace, in Havana, between General Wood and General Maximo Gomez. The report of this interview was given to representatives of the American press by General Wood, and was duly telegraphed by them to the United States.] That report, as sent and published, was as follows:

[“HAVANA, February 26. General Gomez visited Governor General Wood this morning, and assured him that the stories of unrest and dissatisfaction at the continuance of the United States intervention were false, and that he had been misrepresented in statements to the effect that he favored an immediate withdrawal of the United States troops, and giving Cuba absolute independence. If they withdrew now he feared bloodshed, beyond doubt. Within sixty days, the Cubans would be fighting among themselves. General Gomez added, ‘If the Americans were to withdraw to-day, I would go with them.’ . . . General Gomez had no objection to the outline of the future relations between the United States and Cuba as recommended by the United States Senate.”]

American legislators have stated that this message was either a determining factor or a strong influence in their vote upon the Platt Amendment.] Lacking, admittedly, an adequate personal familiarity with the subject, they accepted this alleged statement of General Gomez as the expression of a qualified Cuban opinion. Gomez was known as the head and front of Cuba’s struggle for national independence, and it is natural that his statement should be accepted without question. The matter turns upon the accuracy of this submitted report.

In Havana, nothing was known in regard to it until the arrival of the American papers, on the 29th. Those contained the report from which the above extract is taken. A copy was shown to General Gomez at his house and the matter translated to him. [In a rage of indignation, he

denied having made any such statement, and declared the expressed opinions to be entirely contrary to his views. A local paper (*La Discusion*) sent a reporter to interview General Wood. That official declared that there had been an error in the reports of the correspondents.] Yet both of those who sent the matter obtained their information at the Palace, and both sent practically the same statement. As they represented rival bureaus, collusion of any kind is improbable. Gomez refused to make any statement. He stood upon his dignity, smote his breast, and declared that he was "Maximo Gomez. I do not need to deny such a statement." This attitude was quite consistent with the general character of the stubborn and somewhat irascible old gentleman. But the matter was not, has not been, and probably never will be quite cleared up. [That it had the effect of influencing American votes on the Platt Amendment is decidedly more certain than the origin of the report.]

[The measure known as the Platt Amendment was submitted to the United States Senate, as an amendment to the Army Appropriation bill, on February 25. The Senate adopted it, on the 27th, by a vote of 48 to 20. The House signified its concurrence, on March 1, by a vote of 159 to 134.] The text of the bill is as follows:

[“That, in fulfilment of the declaration contained in the Joint Resolution, approved April 20, 1898, entitled ‘For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect,’ the President is hereby authorized to leave the government and control of the Island of Cuba to its people so soon as a government shall have been established

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in said Island, under a Constitution which, either as a part thereof or in any ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

“(1) That the Government of Cuba shall never enter into any treaty or other compact with any foreign Power or Powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign Power or Powers to obtain by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said Island.

“(2) That said Government shall not assume or contract any public debt, to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the Island, after defraying the current expenses of government, shall be inadequate.

“(3) That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

“(4) That all acts of the United States in Cuba during its military occupation thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

“(5) That the Government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the Island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

“(6) That the Isle of Pines shall be omitted from the proposed Constitutional boundaries of Cuba, the title thereto left to future adjustment by treaty.

“(7) That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its

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own defence, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

"(8) That by way of further assurance the Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States."]

Notwithstanding the fact that the Cubans had every reason to anticipate some such step, there is no question that the adoption of this measure produced widespread dismay among them. The first impulse was submission through sheer hopelessness of opposition to the power of the United States. From this they soon recovered and began that protracted struggle which ended in reluctant acceptance by the Constitutional Convention. Nor was the struggle and the protest which followed confined to Cuba and the Cuban Convention. The American press was filled with a vigorous controversy. The originators of the bill were forced to become its defenders, and the best that can be said of the defence is that it was illogical. Not a few who, at the time, asserted that the provisions of the bill were a guarantee of Cuban independence, were obliged, later, to admit its limitation of Cuban independence, and its establishment of an indefinite sort of American suzerainty over the Island of Cuba. It became necessary for the defenders of the bill to explain its meaning in terms for which its opponents could find no basis in its phraseology.

[The argument of the supporters of the bill rested, in some cases, solely in political partisanship. In others, it was based upon a groundless belief that the peace which had existed for nearly three years in the Island, was due to the presence of the American troops, and that a state of anarchy would follow the withdrawal of the United States forces.]

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In an article in the *Independent*, Senator Platt stated that "In no instance has it been necessary to call upon our troops to repress disorder, but it has been because of their presence there that the necessity has not existed." While it may be admitted that the presence of an armed force was desirable during the chaotic period of the first six months of the year 1899, the general tenor of Mr. Platt's comment is as inaccurate as it is unjust to the Cubans, who had shown no more disposition toward turbulence or disorder than had the people of any State in the Union.

Again, in the *World's Work*, Senator Platt expressed a similar opinion. He said: "With no army to repress disorder, it is certainly within the limit of reasonable probability that the revolutionary and turbulent party may attempt the destruction or confiscation of Spanish and Cuban property which the new government would be utterly powerless to prevent." [It is most unfortunate that Senator Platt and those who followed his line of reasoning, and supported his bill, should have been so lacking in competent information regarding the Island and its people. To those who knew, all this was mere bugaboo, baseless and unwarranted. There had not been for two years prior to the period of this discussion any sign of either "revolutionary or turbulent party," and the American authorities were doing no little boasting with regard to the thorough efficiency of both the municipal police and the Rural Guard of the Island.] These together made an armed force of, approximately, 2,500 men for the suppression of disorder. The great need of the Island was not troops to maintain order, but industrial prosperity which would enable people to live without taking that which was not their own, or to indulge in rioting or strife as a result of hunger and distress. The argument of potential menace to the peace of the Island, and the necessity

for Cuban recognition of the right of the United States to interfere in insular affairs, was without justification, unless the attitude of the United States toward Cuba in commercial affairs produced a condition of distress of which anarchy and disorder came as the legitimate children.

[The argument in favor of the Platt Amendment was based upon an hypothesis, and developed in policy and in politics. Its opponents grounded their arguments upon a moral principle of national righteousness and good faith. Some of those arguments and opinions may be quoted, as follows:

"To impose any terms upon Cuba is a violation of the pledge given to the world when the United States went to her assistance."

— *Baltimore American*. (Rep.)

"If this scheme, in defiant violation of our solemn national pledge and every consideration of equity and wise public policy, shall be successful, the United States will stand disgraced among the nations." — *Columbia (S. C.) State*. (Dem.)

\* "Having said that the people were 'free and independent,' and that of right they ought to be so, let us not descend to pettifogging now. Let us not dictate to the 'free and independent' in any particular. Let us pursue the straight and narrow path of common honesty." — *Chicago Times-Herald*.

\* "If a nation is dishonored when it breaks faith, coolly, openly, and for the sake of material advantage, then the United States stands before the world dishonored." — *Philadelphia North American*. (Rep.)

"The resolutions are an act of bad faith toward a weak people, who must either yield or revolt." — *Chicago Journal*. (Rep.)

"It is easy enough to find excuses for breaking a national promise when the desire to break it is strong. But there is no excuse which could lessen the odium of broken faith." — *Buffalo Express*. (Rep.)

These quotations are fairly illustrative of a vast mass of similar matter which appeared in all parts of the United States. The outburst was confined to no particular party.

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Many eminent public men, of both parties, voiced regret, indignation, and protest against the measure. Its supporters expressed their opinions with equal vigor. The leading organs of the administration, though they asserted the necessity for American supervision of Cuban affairs, and insisted upon Cuba's official and constitutional acknowledgment of the right of the United States to exercise such supervision, still insisted that the Platt Amendment in no way modified or abridged the independence of Cuba.

[The news of the passage of the Platt Amendment was received in the Island with something of consternation and no little of indignation.] In its issue of March 2, *La Patria* (Havana), the leading organ of the ultra-radicals, stated the situation with accuracy, as follows:

"The action of the United States respecting Cuba continues to be the theme of conversation in all circles, and [there is no occasion to hide the fact that a great majority have received it with displeasure and judge it harshly.]

The so-called Conservative element, a small minority of the population, expressed approval. Some urged its acceptance, though bitterly opposed to it, as the lesser of two evils.] The alternative of acceptance was a continuance of the military government which was regarded as unwarrantedly autocratic and too indifferent to Cuba's greatest welfare. Opposition to the measure strengthened with the passing days, but there is no doubt that much of the public manifestation of disapproval was "arranged" by political leaders.

[From all over the Island there came telegrams of indignation and dissatisfaction. Mass-meetings and parades shouted "*Viva Independencia!*" "*Abajo la Enmienda Platt!*" ("Down with the Platt Amendment!")] The in-

sular press was vigorous in its denunciation. Much blame was laid upon General Wood, and there is much ground for belief that it was merited. [*La Discusion*, a leading Havana daily, printed the following in its issue of March 9:

"In order to obtain a vote on the Platt Amendment, Congress was made to believe that the Cuban Convention would accept it; and in order to prevent the honest portion of the American people from demanding that the Government correct the error committed, there continues to be affirmed the statement that the Cubans are disposed to agree to a shameful and perverted mutilation of their independence and sovereignty. But this policy of deceit and lies cannot be successful."]

If the Wood-Gomez interview of February 26 was correctly reported, it would appear that Cuba's "grand old man" changed his mind within two weeks. In a personal letter to a friend in Santo Domingo, under date of March 9, General Gomez wrote:

"This demand of Platt, thrown in the face of this heroic people by a great and powerful nation, must cause deep moral perturbation in the hearts of all the people of this Island, and even in America, which, during the trying days of war, regarded us with pride, and now regard us with covetous eyes."

Naturally and necessarily, the Constitutional Convention recognized the complete change in the situation. [Chronologically, the instructions of the United States to the Cuban Convention, in the matter of the mutual relations of the two countries, stand in the following order:

July 25, 1900. Definite instructions to include a plan of those relations in the Cuban Constitution "as a part thereof."

Nov. 5 and 9, 1900. Definite instructions to exclude the matter of relations, and, instead, to express an "opinion" of what those relations "ought to be."

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Feb. 15, 1901. An official hint of what the Washington administration would like to have included in that opinion.

Feb. 21, 1901. A suggestion of what the Washington administration thought Cuba ought to include in the opinion.

March 2, 1901. The Platt Amendment, which ignored the definite instructions, never officially superseded, given to the Convention at the time of its assembly, on Nov. 5, 1900, and which took from the Cubans their right and power of independent action by forcing acceptance of the terms laid down in Washington, with no alternative save that of the continuance of a military government which had already become objectionable.]

The situation was one of extreme seriousness for the members of the Convention. More than once, the voluntary dissolution of the body was imminent. With one exception, the members declared their objection both to the terms of the Platt Amendment and to the manner in which those terms were imposed upon them for their acceptance. The isolated exception explained his position by declaring his belief that Cuba would best accept such measure of independence as was open to her and thus terminate the period of military government. Even the one representative of the Conservative Party publicly defined his position in an exhaustive analysis of the Amendment. His analysis was tantamount to a rejection of the terms unless subjected to modification in some of the essential features, and unless compensation be given to the Cubans in the form of commercial advantages in the American market.

[During the month of March, the disposition of the Convention to reject the terms of the Amendment grew continually stronger. There appeared a weakening in the imperative attitude of Washington, and there were those who assured the Cubans that the act was neither final nor

obligatory. Members of the Convention declared that they were so informed by no less an authority than the Military Governor. An active discussion ensued and the Convention Committee on Relations drafted and submitted a substitute measure. This definitely rejected the clauses referring to the power of the United States to intervene in Cuban affairs, to the establishment of coaling stations, and to the Isle of Pines.] Individual members, Messrs. Tamayo, Nunez, Quilez, Giberga, and Quesada, submitted substitute proposals.

[A feature of the period was the cartoons of the daily papers.] Many of these were distinctly clever in conception, though none of them was at all complimentary either to the United States or to its local representative. One of them, published on Good Friday, led to the summary suppression of the paper which issued it (*La Discusion*) by an arbitrary and illegal order of the Military Governor. [Its title was "The Cuban Calvary." Upon the central cross there hung a figure, representing Cuba, above whose head there was a placard inscribed "*Pueblo Cubano.*" (The Cuban people.) Upon the crosses on either side, General Wood appeared as Dimas, and President McKinley as Gestas. In the foreground the agonized Mary was presented as an agonized public opinion. Senator Platt (who was presented as Senator Thomas Platt of New York) stood as Longinus, the Roman soldier, presenting upon a spearhead a sponge marked "*Enmienda Platt.*"]

From the standpoint of New England orthodoxy, the cartoon was both profane and blasphemous. But the Spanish proverb says "*En cada tierra su uso*" (In each country its customs), and the Spaniard and the Cuban do not see such things with New England's eyes, and are not shocked by such matters as many American people are.

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Such street names as *Christo*, *Cruz del Padre*, *San Juan de Dios*, and *Jesus Peregrino*, are by no means uncommon. *Jesus del Monte* is a ward of Havana, and *Calvario* is a town in its suburbs.

The editor of the paper and the cartoonist were arrested by the personal order of General Wood, and, by the instructions of the same authority, the offices of the paper were closed and officially sealed by the police. There was no appeal to law, no reference to that legal procedure established by American authority. A farcical release of the alleged culprits followed their signature of a statement that the cartoon was strictly political and not personal. On the next day, Easter Sunday, the same paper produced a cartoon of the resurrection, with a compound Wood-Weyler figure issuing from the tomb, entitled "That which we least expected." Their point of view was that Cuba's resurrection had been attended by an unexpected revival of Weylerism.

Another cartoon depicted the McKinley of 1898 and the McKinley of 1901. The former was bland and benevolent. This was inscribed "When the Joint Resolution said that we were 'independent,' it was the noble people of Abraham Lincoln who pronounced the sentence." The McKinley of 1901 was a scowling, malignant individual who sat with his feet upon his desk, and presented to a figure representing the Cuban people a folio marked "Platt Amendment." The inscription attached to this read, "The people who by their force now desire to make us subjects, are the people of McKinley (Emperor) and of Platt."

Another showed the Cuban people as Prometheus, chained to the rock of Intervention, while the vulture of the Platt Amendment plucked at his vitals. Another portrayed a base-ball field. Senator Platt (always shown as the gentleman from New York) was the pitcher. General Wood

figured as catcher, and President McKinley as umpire. The home plate was the Joint Resolution. The ball — as the Platt Amendment — had been pitched, and struck toward the outfield by a Cuban figure wielding a bat marked "Convention," and the batsman was shown as making a rapid pace toward first base — *Independencia*. In another, Uncle Sam, as a highwayman, with the pistol of the Platt Amendment, "holds up" Miss Cuba, and takes from her the Isle of Pines, coaling stations, and the Cuban Treasury, while a long-tailed rat gnaws the torn and mutilated Joint Resolution.] Others were clever hits at special steps in the proceedings, but many of them were unintelligible and meaningless except to those who possessed a close acquaintance with the history of the time.

The most unfortunate immediate result of the American official attitude, and the acceptance of the Platt Amendment by the American Congress, was a marked increase in an already well-defined undercurrent of Cuban bitterness toward and distrust of the American administration. This feeling was almost completely limited to American officialdom. Throughout all of our dealings with the Island, the Cubans maintained an abiding confidence in the justness and the kindly and generous intentions of the American people. It was President McKinley and his advisers, and General Wood, upon whom was laid the blame for an act which the Cubans regarded as unjust, unworthy of a great nation, a violation of America's pledge, and a grievous wrong to the Cuban people.

[In an address delivered before the Georgia Bar Association, L. Q. C. Lamar, Esq., an American lawyer, practising his profession in Havana, and fully conversant with the immediate situation, summarized the Cuban objection to the Platt Amendment as follows:

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“The Cubans objected to the Platt Amendment

“*Because;* in their opinion, under it the Cuban people were not free and independent.

“*Because;* the Island, being fully ‘pacified,’ the United States, in violation of the Joint Resolution, proposed to exercise ‘sovereignty, jurisdiction, and control’ over it, and did not purpose leaving the ‘government and control of the Island to its people.’

“*Because;* it compelled the Government of Cuba to consent that the United States might intervene for the determination of the question of Cuban fidelity to the terms imposed by the Treaty of Paris, notwithstanding the fact that, by the terms of the same treaty, the obligations of the United States were limited to the term of its occupancy.

“*Because;* the highest judicial body in the United States had declared that the President was lawfully exercising jurisdiction in Cuba for the purpose of assisting the inhabitants of the Island to establish a government of their own, under which, ‘as a free and independent people they might control their own affairs without interference by other nations.’

“*Because;* the same court had held that Cuba was ‘foreign territory,’ and that, as between the United States and Cuba, that Island was, for the time, held in trust for the inhabitants thereof, ‘to whom it rightfully belongs, and to whose exclusive control it will be surrendered when a stable government shall be established by their voluntary action.’

“*Because;* by the terms of their Constitution, they had ‘assembled in Constitutional Convention in order to frame and adopt the fundamental law of their organization as a free and independent state.’

“*Because;* it was suggested by American authority and introduced as a rider to an army appropriation bill, in contravention if not in flagrant violation of the rules of the Senate which proposed and passed it.

“*Because;* it was passed hastily and without due consideration, after only two hours of debate, and, as stated on the floor of the Senate by one of its members, without the Congress ever having

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seen or read the Constitution of which the amendment was to become a part.

*“Because; the Convention was called to frame and adopt a Constitution for the people of Cuba, and was expressly relieved, by the definite instructions of the American authority, from making provisions and agreements with the Government of the United States upon future relations a part of their Constitution.*

*“Because; the functions of the Constitutional Assembly were limited to the purposes expressed in the call to the Convention, and did not include legislative or treaty-making powers.*

*“Because; it compelled them to change their Constitution by omitting the Isle of Pines from their constitutional boundaries, notwithstanding the fact that the said Island had been, for nearly four hundred years, recognized by Cubans, Spaniards, Americans, and all others alike, as part and parcel of Cuba’s territory, politically and geographically.”*

These and other objections, expressed in similar and in different phrases, were the Cuban answer to the Platt Amendment.

## CHAPTER XVI

### ACCEPTANCE OF THE PLATT AMENDMENT

THE month of March, 1901, was a time of serious political confusion in the Island. The Cubans came slowly to a full realization of the position in which they had been placed. Definite terms were offered them by the Platt Amendment, and upon their acceptance of those terms depended the withdrawal of American authority. Acceptance meant to them the sacrifice of that sovereign independence for which many had given their lives and for which many others had fought and suffered. Rejection meant the indefinite postponement of even the shadow of independence, and the indefinite continuance of a government which was growing ever more and more objectionable.

"The declaration of the purposes of this Government in the resolution of April 20, 1898," said President McKinley in his inaugural address, immediately after the passage of the Platt Amendment, "must be made good." To the Cubans, that "declaration of purposes" admitted of only one meaning — Cuban independence. They were told that the offensive measure did not modify their independence. On the contrary, President McKinley, Senator Platt, and their supporters, declared that the measure was a guarantee of Cuban independence. They asserted that coaling stations were necessary to protect Cuba against possible foreign invasion. The Cubans and their American supporters declared this to be a subterfuge unworthy of a great people. They were

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satisfied with the assurance of protection which rested in the Monroe Doctrine. Had the Platt Amendment asked for coaling stations on Cuba's coasts "for the protection of the southern ports and harbors of the United States," they would have been granted gladly and freely.] No independence could exist where there was coercion to obtain coaling stations, or the acknowledgment of the right of intervention in Cuban affairs. Again and again, dissolution of the Convention was imminent.

Washington became uneasy. The independent press of the United States voiced its indignation. Men prominent in public life declared the measure an outrage and a blot upon the history of the country. The administration was forced into the ignoble position of seeking, through its mouthpieces, to explain into the measure a meaning which its terms denied. [On April 3, the Secretary of War sent the following despatch to General Wood:

"*Wood, Havana:*

" You are authorized to state officially that in the view of the President the intervention described in the third clause of the Platt Amendment is not synonymous with intermeddling or interference with the affairs of the Cuban Government, but the formal action of the Government of the United States, based upon just and substantial grounds, for the preservation of Cuban independence, and the maintenance of a government adequate for the protection of life, property, and individual liberty, and adequate for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States.

ELIHU ROOT,

" *Secretary of War.* ]

But the Cubans persisted in considering only the letter of the measure, and declined to accept this explanation of its intents and purposes. Their argument was that an agreement of such moment should mean what it said and say

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what it meant. This message was shown to members of the Havana press, and called out the following editorial from *La Patria*, a vigorous organ of the ultra-radical element in the Convention:

### "A WORTHLESS DOCUMENT."

"The Secretary of War, the Honorable Mr. Elihu Root, has addressed a communication to General Wood, in which he says in substance, that having heard of the bad impression caused by the Platt Amendment, especially the third clause of said resolution, in which the United States ask that their right to intervene in Cuba be recognized, he solicits General Wood to make it clear to the delegates that it must be understood that the American Government will avail itself of that right only in very grave cases and for very weighty and justifiable reasons.

"General Wood has attached so much importance to this declaration, that after having imparted the terms of Mr. Root's letter confidentially to several persons, he has addressed a cablegram to the Secretary of War, asking his permission to transmit the letter as an official communication, to the Constitutional Convention.

[ "We very much fear that all his pains will be in vain. Mr. Root's interpretation cannot have more authority than the text of the bill itself and this is unequivocal." Mr. Root can say what he pleases; the positive fact is, that to concede to the United States the right to intervene in Cuba, whenever the American Government shall so determine, is a blow aimed at Cuba's independence and sovereignty, and it would so impair the influence and authority of the Cuban Government that would exist subject to the exercise of this right, that it is inconceivable that any government could be constituted under these conditions, with any degree of decorum and efficiency.] Therefore, the problem does not change in the least, with the above-mentioned declarations of President McKinley's Secretary of War.

"On the other hand, even if that declaration modifies the Platt Amendment — which it does not — what weight should we attach to that letter of Mr. Root, after what we have seen with regard to

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Order No. 455? The latter, which includes the address of General Wood on the inaugural occasion of the Constitutional Convention, modified Order No. 301, in the matter of the relations which should exist between the United States and Cuba. And now, when it has been discovered that it is not enough for the aims and purposes of their political plans that the Convention should express its views, with regard to said relations, it is said that Order No. 301 is the one to be regarded as valid, and that the modification contained in No. 455 is of no importance whatever.

"The same thing will occur with Mr. Root's letter. Even if it changed the terms and provisions of the third clause of the Platt Amendment — and we have already said that it does not vary them in the least — the day the letter is invoked in support of an interpretation which shall be favorable to Cuba's interest, it will be said, and with reason, that a letter from the Secretary of War cannot modify or change a law of Congress.

"And we must not forget that [if documents are to be invoked and cited it is not possible to conceive of any one more explicit than the Joint Resolution and the memorandums of the Treaty of Paris. In spite of all their emphatic declarations, we see how little the American imperialists heed them.

"They interpret these documents in such a manner, that having declared before the world that they 'would not exercise control, dominion, or sovereignty' in Cuba, and that 'once the pacification of Cuba having been secured, they would turn over the government to its people,' now they demand, before they carry out their part of the contract, that the Isle of Pines shall be given to them; that they be given naval stations, and that the right of the United States Government to intervene in our territory, to uphold or dislodge governments, shall be recognized; and this is the most important act of sovereignty, jurisdiction, and control that any nation or people can exercise over another.]

"In view of all these reasons, we believe that Mr. Root's letter will not produce any effect whatever upon the Convention. After having heard it, those who will vote in its favor are precisely those who would have voted for it anyway, even before said letter had

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arrived; and [there is not a single opponent to this measure, which so rudely attacks Cuba's rights, who can be induced to accept it, because of the crafty and worthless explanation of the Secretary of War, which in nothing changes its form or spirit, and leaves it as objectionable as it was before, to all who persist in defending the absolute independence and sovereignty of the Island of Cuba.

"For the latter, this letter will not be considered anything else than a worthless document; and unfortunately, an attempt has been made to reduce other documents of far greater importance and authority, to the same worthless state."]

During the months of March and April, various officials, among them General Miles and Senators Proctor and Cockrell, went to Cuba, ostensibly as private citizens travelling for their own pleasure or interest, but recognized by the Cubans as emissaries of the Government in Washington. Their explanations were received with the customary Cuban courtesy, but they carried no conviction to Cuban minds. All the forces and machinery of government were brought into play in support of the position taken.

The Convention went into secret session. The delegates conferred by mail, by telegraph, and in person, with their constituents. Except in the ranks of the numerically insignificant Conservative party, there was nowhere manifest any disposition to accept the terms. They were even declined by the only representative of that party in the Convention, Señor Giberga, unless, in compensation for their acceptance, concessions were made in the American tariff on Cuban products. One member, Señor Quilez, proposed acceptance as the lesser of two evils. The press of the Island denounced the bill, and public manifestations continued. Notwithstanding all this outburst of public opinion, the tourist-emissaries and the Military Governor persisted in reporting to Washington and to the American people, that

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the terms would be accepted.) ✓ The warrant for these reports was nowhere evident. All save one or two of the thirty-one members of the Convention had publicly expressed their opposition to it; with few exceptions, the press of the Island denounced it. A part of an editorial in *La Patria*, on April 9, read as follows:

"It can be said to-day that the Platt Amendment is already practically rejected by the Convention; because, not even in the softened form in which it appears in Dr. Tamayo's proposition; nor with the economic reforms and explanations which Senor Giberga has added to it; nor in the disguise in which it appears in Senor Quesada's proposal; nor in the paraphrase of the original resolution which Senor Quilez offers us, has it been able to secure more than a very limited number of votes."

This was unquestionably a fair presentation of the state of public opinion at the time.

The discussions in the Convention began to assume definite form about the middle of the month. No disposition whatever was manifest to accept the Amendment. The opposition to it was strong and intense. In doubt of its finality, substitute measures were submitted for consideration, and suggestions were made that a commission be sent to Washington for conference with the administration. [On March 17, I sent the following cablegram to the *New York Herald*,] in my capacity as its special correspondent. It accurately presented the situation on that date.

"The week opens with a strong disposition on the part of a large majority of the members of the Convention to vote immediately for the rejection of the Platt Amendment. A question has arisen, however, regarding the terms of the Amendment. The delegates are not certain whether it is final and in the nature of an ultimatum, or is open to modification by the President. Conflicting statements have been made by the Military Governor concerning its finality.

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Some members of the Convention are disposed to submit proposals substantially modifying the terms of the Amendment if it is not absolute and final.

[The idea is growing that the Amendment is a violation of the Joint Resolution, an unwarranted dictation of conditions to a free and independent people, and an exercise of 'sovereignty, jurisdiction, and control' over them. It is suggested that the question be submitted for determination by the United States Supreme Court. The principal question at the present time, however, regards the finality of the Platt Amendment, and the advisability of submitting the same to President McKinley because of a lack of confidence in General Wood.]

[On March 28] through the same channels, the situation was summarized as follows:

[There is no reason to doubt that the present situation in Cuba shows a stronger disposition not to accept the Platt Amendment than has existed at any time within the last two weeks. It is quite evident that the terms are not acceptable to the Cubans. Members of the Convention are publicly expressing their opinion to that effect. The impression is growing that it will be better to continue the objectionable Military Government rather than surrender all the advantages without compensation (through tariff concessions on Cuban products). This opinion is extending, particularly among the industrial and commercial classes.]

April opened with stormy agitation both in Cuba and in the United States. [The *New York Sun*, once an ardent advocate of Cuban independence, was, at this time, as an organ of the administration, urging Cuban acceptance of the American terms under the menace of more drastic action by the next Congress. The *Cleveland Leader* (Republican) called the Cubans "ungrateful, treacherous, irresponsible, savage, ignorant, and as yet unworthy." The *Philadelphia Times* (Democratic) declared that this "conspiracy for the retention of Cuba is the most infamous of all that have been

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hatched out of our new imperialism." ] Vigorous and often unbridled expressions were used on both sides of the contest. Many annexationists even joined the opposition, in the hope that their ends would be served and annexation be precipitated by rejection of the terms.

[On April 6, the Giberga compromise measure, proposing tariff concessions in compensation for acceptance, was rejected by the Convention. On the same day, the Quilez motion to accept the Amendment was rejected by a vote of twenty-four to two, Quilez and Giberga voting in the affirmative. At the session of April 1, it was voted not to send a commission to Washington. The decision was based upon an unofficial telegram from that city that such a commission would not be received, as the authorities had no power to modify the conditions of the Platt Amendment.] But the proposition continued under consideration, and met with increasing approval. The immediately disturbing problem was whether or not the Amendment should be definitely rejected before sending such a commission. [At the session on April 9, the Convention voted to reconsider the decision of April 1. The result was a vote of twenty to nine in favor of a commission.] A proposal that such a commission should first confer with the Military Governor was disapproved through fear of further misunderstanding with that official.

[The next day matters went into the air again on the strength of new despatches from Washington, asserting that it could be stated on "unquestionable authority" that President McKinley had decided not to negotiate with a commission from the Convention on any basis outside of the terms of the Platt Amendment, and that he would not consider any modification of that law]

[On April 12, a motion was presented to send a commission to Washington, after a categorical rejection of the Platt

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Amendment. The proposition was somewhat confused and some who opposed the Amendment voted against the motion. It was carried by a vote of eighteen to ten. This was construed by some as the equivalent of a vote of rejection of the Amendment, though it was not so intended. Its object was a determination of the conditions under which a commission should be sent.] It was, however, indicative, though not accurately so, of the sentiment of the Convention. It is doubtful if more than three or four members would have voted for an outright acceptance, but some of those who favored rejection hesitated about committing the Convention to such an extreme measure as a definite rejection at that time. The vote was rather one of non-acceptance than of rejection, and was tantamount to a vote to table the measure. [On April 13, the following resolution was adopted:

"Whereas, the opinion of the Convention respecting the Platt Amendment having been already declared, further action shall be suspended while a committee of five members shall be sent to Washington to indicate to the Government there the desires of the Cuban people, and to endeavor to find a basis for the establishment of political and commercial relations satisfactory to both countries, the committee to make a report to the Convention for its final action."]

It will be noted that although the compromise measures submitted by Messrs. Quesada and Giberga, both of which proposed the inclusion of provisions for commercial relations, were rejected by overwhelming majorities, the same idea reappeared in the foregoing resolution. Overtures for the inclusion of a commercial treaty as a part of or as an adjunct to the Platt Amendment, were to form a definite part of the mission of the representatives. At the meeting on the 15th, the following gentlemen were appointed as members of the commission; Señors Mendez Capote, Diego Tamayo,

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Leopoldo Berriel, Pedro Gonzales Llorente, and Rafael Portuondo. Dr. Berriel being unable to go, his place was filled by the appointment of Gen. Pedro Betancourt. On the day following the choice of the Convention, *La Discusion* stated, editorially:

"The Assembly declines to maintain further political relations with the American Government through the Governor whose failure is now recognized, and who assured the President that the Assembly would accept the Platt Amendment, which caused such firm opposition among the Cuban people, and such indignant protest from many elements, and which was only accepted by some who favor it unwillingly through the recognition of the fatality of superior force."

General Wood was summoned to Washington at a time coincident with the trip of the Commission. This was far from gratifying to the members of the Commission and their friends, inasmuch as it was held that the presence of the Military Governor would tend to restrain free expression of opinion on the part of the delegates. Both parties sailed on April 20, though by different routes, and the scene of special interest was transferred, for the time, to Washington. The delegates were received with every possible courtesy by the authorities. A number of senators and representatives had been called to the city to meet them, not, it was thought, as a matter of courteous attention, but for the purpose of convincing them of the hopelessness of their mission.

[The Commission arrived in Washington on the 24th of April. At noon on the 25th, accompanied by Secretary Root and Assistant Secretary Sanger, a call was made at the White House for a brief exchange of courtesies with the President, who referred them to Secretary Root for all discussion of the business of their errand. On the afternoon of the same day a long discussion was sustained with Mr.

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Root, at the War Department. The conference was secret and the details have never been made public, although they have been a topic of much dispute and frequent agitation. It is known that the Secretary urged and reiterated the arguments which had already been advanced by the supporters of the measure. It is known that the Commission urged, as an equivalent for acceptance, the much-needed concessions in the American tariff on Cuban products.] The delegates remained in Washington for four days, during which dinners, lunches, and receptions were given them. Further discussions were held with the Secretary of War in his capacity as the representative of the President. Directly, Mr. McKinley had little to say upon the subject of their errand. Even the Washington correspondents were unable to extract from the delegates any information concerning the results of their mission. Their lips were sealed until a report was made to their associates in Havana. Various assertions were published from such fragments as could be gathered. [The New York *Herald* probably came as near the mark as any when it declared that the Cubans would return to Cuba carrying the assurance of President McKinley that, following their acceptance of the Platt Amendment and the establishment of a government, a treaty of reciprocity would be effected with the Island. It is certain that no encouragement whatever was given them that the terms of the Platt Amendment would or could be modified in any way. They were told that changes in the tariff could only be made by Congress, and that reciprocity treaties required the ratification of the Senate, not then in session, and that such a treaty could not be negotiated with Cuba until after the establishment of a Cuban Government. They were also told, in very positive terms, that the establishment of such a government must be preceded by Cuba's acceptance of

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the Platt Amendment.] They took away with them an analysis of the measure, as interpreted by Secretary Root, but were given to understand that the ultimatum of the Platt Amendment was a decision in which there would be no change and from which there would be no withdrawal. After a few days of entertainment in New York, they returned to Cuba to submit a report of their work.

Between the time of the passage of the Platt Amendment by the American Congress, and the return of the Commission from Washington, a considerable change had taken place in the Cuban view of that instrument. Its first effect was a wide-spread resentment and an outburst of indignant disapproval. But the pace of manifestation of this resentment and disapproval was too extreme for long continuance. The Cuban, after his first volatile outbreak has passed, is a notable philosopher. Long years of enforced submission to the inevitable have left their stamp upon him. Once assured that he has neither choice nor alternative, he accepts the situation with such grace as is possible. [The first vociferous protest against the terms of the Platt Amendment gradually died away and was followed by an increasing tendency to accept the conditions imposed upon them. The motives for this change were many and various. But it cannot be said that the disposition to accept rested in any idea that the conditions were, in themselves, acceptable.] The unyielding front of the administration and its supporters convinced many of the hopelessness of continued opposition. The desire for the immediate withdrawal of American authority and for Cuban assumption of the reins of government was a factor which operated in a change of view with others.] This attitude was illustrated in the case of Enrique Villuendas, who had been one of the most uncompromising opponents of the Amendment in the Convention. Early in

1 good!

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May, in an address to his constituents, he said: "There is no use in objecting to the inevitable. It is either annexation or a Republic with the Amendment. I prefer the latter." The hope of modified terms had been shattered by the cabled reports of the Washington conferences, and the delegates returned to find the Cuban people in a more submissive mood. But the general attitude was still far from one of approval.

[The month of May was spent in secret discussion in the Convention, and in conference with constituencies throughout the country. Pressure was brought to bear upon the Convention through the channels of the local administration. The exact nature and form of this pressure will only be known to historians of some later day, when those who were involved in it or cognizant of it shall have related the story of the time.] At present there is no way of verifying the charges and allegations that were made of assurances of political favor and preferment, of deals made by party leaders, and of other methods common in the ramifications of the politics of all countries. Some of the *conventionales* yielded, though with reluctance in the majority of cases, while others remained stubborn and persistent in their attitude of objection and protest.

[To some of the articles of the Amendment there had never been any objection. The notably objectionable features were expressed in the clauses relating to intervention, coaling stations, and the Isle of Pines. The first article was substantially identical with the propositions of the Committee on Relations, submitted on February 26. The second article was regarded as superfluous because its provisions were entirely in harmony with Articles LIX, XCIII, and CV of the Cuban Constitution. Article III was offensive as being a contradiction of Article I, and contrary to the opening declara-

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tion of the Cuban Constitution that "the people of Cuba are hereby constituted a sovereign and independent State." Article IV was acceptable to some but was opposed by others, on the ground that it was a modification of the provisions of Article XVI of the Treaty of Paris. Article V encountered no active opposition. Article VI was objected to because it alienated a portion of Cuba's territory and violated the second clause of Article I of the Cuban Constitution. Article VII was notably objectionable as constituting, by its terms, an American protectorate over the Island. As for Article VIII, Cuba was quite ready to effect any treaty which might be desired by the United States so long as such a treaty did not affect the integrity of Cuban territory or restrict Cuba's political sovereignty.]

The discussions of the month of May were an effort to read the objectionable clauses, especially Articles III, VI, and VII, in the light of their interpretation in Washington. [The Commission stated to their associates that they had been informed by Secretary Root that the United States would not interfere in Cuban affairs except in the case of an attack by some foreign power, or in the event of the existence of a state of anarchy; that the United States desired three coaling stations for the maintenance of Cuban independence as against foreign powers, and for the protection of the southern ports of the United States; and that there was nothing in the Amendment which restricted the establishment of diplomatic relations with other countries. They also announced that the President had assured them of the due consideration of their desires for advantageous commercial relations with the United States.]

No unquestionable report has ever been published concerning the assurances of either Mr. McKinley, or of Mr. Root as the representative of Mr. McKinley, upon this

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matter of commercial advantages. [There is no question that the Commissioners, whether justified or not, were impressed with the belief that they were practically assured, in Washington, that concessions would be granted them in the American tariff on Cuban products. The disputed point has not yet been more adequately covered, publicly, than it was in an article, written by Senator O. H. Platt, in the *North American Review* for August, 1902. He says:

“When the United States required of Cuba that her Constitution should contain guarantees which should forever place her in a position of intimate relations with us, it was universally understood that we, on our part, would aid her by providing such reciprocal commercial advantages as would enable her to be self-reliant and self-supporting.”]

In this statement, the Senator would appear to be both inaccurate and illogical. Excepting in the original call for the Convention (Civil Order No. 301), superseded by later instructions (Civil Order No. 455), the United States had nowhere, not even in the Platt Amendment itself, “required of Cuba that her Constitution should contain guarantees, etc., etc.” Nor was it “universally understood that we should aid her by providing reciprocal commercial advantages.” It was “universally understood” that commercial relations were to remain in abeyance, and to depend upon the possible establishment of treaty relations with the new government. For many months, it was “universally” denied by the administration and its supporters that any such inducement had been given, either directly or indirectly, to the Cuban Commission. The fact that such relations were denied to Cuba by the next session of the American Congress would seem to be an effective answer to the proposition of a “universal understanding” of America’s purpose

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to effect an exchange of commercial advantages for an acceptance of such conditions as those imposed by the Platt Amendment. The Senator further comments upon the incident, as follows:

"While we did not ask of Cuba in form that she should not enter into commercial arrangements with other countries to our disadvantage, the natural currents of trade made it a practical impossibility for her to do so, and a Commission sent to us from her Constitutional Convention returned with the just expectation that a compliance with our desires as to her constitutional guarantees would be followed by the establishment of mutual trade relations which would prove to be of great economic advantage to her. The Constitutional Convention asked, as a return for their acceptance of the provisions which we had requested, that there should be some promise given by the United States of the establishment of advantageous relations with us. In the nature of things, such a promise was impossible, but the Convention was asked to act in the premises and to trust the United States."

If the words "demands" and "demanded" be substituted for the words "desires" and "requested," it is probable that the case is accurately stated in Senator Platt's article. They were asked to "act in the premises and to trust the United States." It is evident that their confidence in the good will and the power of the American administration led, or misled, them into a belief that an assurance which was tantamount to a promise had been made to the Commission. It is unfortunate that this draft on the good faith of the United States was not promptly honored.

[The discussion of the matter in the Cuban Convention lasted until the end of May. On the 28th of that month the Amendment was accepted by a vote of fifteen to fourteen, the deciding vote being cast by Mendez Capote, the President of the Convention, who, in a public speech a few weeks be-

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fore, had declared that acceptance of the Amendment would "make it impossible to establish in Cuba a government stable, strong, and orderly." He also declared that if the third article were to be accepted, there would be "born a government resting upon a supposition of incapacity." But the acceptance voted was in a modified form, and subject to certain "explanations." The meeting was decidedly stormy, and one member, Señor Tamayo, declared that those who voted in favor of the acceptance were enemies to their country. The Convention compelled retraction of the statement. Juan Gualberto Gomez, one of the most forceful members of the body, denounced as perjurers all who voted acceptance, inasmuch as they had sworn to prepare a constitution for an independent republic.]

The majority report, upon which the vote was taken, after quoting Article I of the Treaty of Paris, the Joint Resolution, and the terms of the Platt Amendment, proceeded with the following "explanations":

"Inasmuch as Secretary Root, being authorized by President McKinley, says that the Platt law has for its object the guaranteeing of the independence of Cuba, and does not mean interference with its government, or the exercise of a protectorate or of sovereignty, and also that intervention will only take place when independence is endangered by outside powers or grave interior disturbances creating anarchy, and inasmuch as Secretary Root has said that the naval stations will not be used for vantage points of intervention, but only to protect Cuba against foreign powers, we report as follows:

"That, in virtue of the fact that the Platt law in its preamble says it is a fulfilment of the Joint Resolution, and has been adopted by Congress with the principal object of establishing independence, we do propose to the Convention to accept the following as an appendix to the Constitution."]

The first, second, fourth, and fifth clauses of the Platt

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Amendment are quoted in their entirety. [The third clause has the following addition:

"It being understood that the United States have the right to intervene to prevent the action of a foreign power or disturbances causing a state of anarchy, and that the intervention shall always be the act of the United States, and not of isolated agents. The intervention shall suppose neither sovereignty nor a protectorate, and shall last only sufficiently long to establish normal conditions. Said intervention, it is also understood, shall not have the right to interfere in the Government, but only the right to preserve independence."]

[An addition to the sixth clause says that the ownership of the Isle of Pines shall be settled by a future treaty.

An addition to the seventh clause says:

"It shall be understood that the naval stations do not give the United States the right to intervene in the interior government, but are established with the sole purpose of protecting American waters from foreign invasion directed against Cuba or the United States. Cuba will sell or lease the necessary land at points to be agreed upon later."

An addition to the eighth clause says that the Government of Cuba suggests at the same time a treaty of commerce based upon reciprocity.]

[The accepted report was also made to include a letter addressed to Secretary Root by Senator Platt, a copy of which had been given to Mendez Capote while the Commission was in Washington. The letter was as follows:

"I am in receipt of your letter of this date (April 26), in which you say that the members of the Commission of the Cuban Constitutional Convention fear that the provisions relative to intervention, made in the third clause of the Amendment which has come to bear my name, may have the effect of preventing the independence of Cuba, and in reality establish a protectorate or suzerainty by the

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United States; and you request that I express my views on the questions raised. In reply I beg to state that the Amendment was carefully prepared with the object of avoiding any possible idea that by the acceptance thereof the Constitutional Convention will thereby establish a protectorate or suzerainty, or in any manner whatsoever compromise the independence or sovereignty of Cuba; and speaking for myself it seems impossible that such an interpretation can be given to the clause. I believe that the Amendment should be considered as a whole; and it ought to be clear on reading it that its well-defined purpose is to secure and safeguard Cuban independence and set forth at once a clear idea of the friendly disposition of the United States toward the Cuban people, and the express intention on their part to aid them if necessary in the maintenance of said independence. These are my ideas; and although, as you say, I cannot speak for the entire Congress, my belief is that such a purpose was well understood by that body."]

This act of the Convention encountered the disapproval of the authorities in Washington. [After several conferences between the President, Secretary Root, and Senator O. H. Platt and Senator Spooner, it was decided at a Cabinet meeting to notify the Convention that its action could not be regarded as a satisfactory compliance with the American requirements. Instructions were therefore telegraphed to General Wood to inform the Convention that it could not proceed with the work of establishing a government, and that the troops would not be withdrawn until the Platt Amendment had been accepted without qualifications.] It was after this fashion that the United States made known to the Cubans that to which Senator Platt refers as "desires" and "requests."

[Necessarily, the matter was reopened by the Convention, and two weeks more were spent in argument and discussion. On June 12, a motion for unqualified acceptance was voted on, and sixteen votes were cast in the affirmative against eleven

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in the negative. One vote had been gained for the affirmative — Señor Ferrer, who gave as his reason that acceptance seemed “the best solution of the problem.” Four members absented themselves, or were unavoidably absent.] The long-disputed measure, unacceptable to the Cubans, had been imposed upon the Convention, and, so far as their acceptance was concerned, it became morally binding upon the new government to endorse the action.

## CHAPTER XVII

### STRUGGLE FOR TARIFF CONCESSIONS

IN the spring of 1901, a Commission, consisting of representative Cuban planters and merchants, was sent to Washington to present the needs of the industries of the Island, and to request consideration of their relief through a readjustment of the commercial relations between Cuba and the United States. Unfortunately for the enterprise, the visit of the Commissioners was coincident with the activities of the discussion of political relations, and their errand was overshadowed by a question which the United States regarded as the more important issue.

[At about this same period, also, the Military Governor publicly admitted the disastrous condition of the Island's industries. On his arrival in Washington, April 25, it was announced by the press that he had declared to the President, in very positive terms, that "the conditions in the Island demanded that something be done toward modifying the duty imposed by the United States on Cuban imports, and he made a formal recommendation that the duty on sugar and tobacco be reduced. His recommendation was made so strongly that it is said the President will urge upon Congress that some legislation be enacted looking to such reduction."]

The same point of industrial stress and impending disaster was also made a leading feature of the errand of the Commission from the Constitutional Convention, and, whether

justified or not in so doing, the delegates returned to Cuba with a belief that an arrangement had been effected which would insure immediate attention to the industrial and commercial needs of the Island.

The agitation which followed led to the inauguration of a definite campaign whose object was to secure a more favorable entry of Cuban products, particularly sugar, into the markets of the United States. The sugar planters as individuals, and the Cuban Planters Association (*Círculo de Hacendados*) had been at work for many months in such directions as it was possible for them to exert influence. The tobacco interest had been urging its claims through other channels. During the month of August, the Association of Tobacco Buyers and the Cigar Makers Union held meetings and prepared memorials from their point of view.

The Military Governor also became actively concerned, and, with funds appropriated from the insular treasury, employed agents in the United States and in Cuba to carry on an energetic propaganda. October opened with a general exhibition of popular interest throughout the Island.

[The third day of October was made a general holiday, and people of all classes, bankers, merchants, planters, employers and employés, united in public demonstrations. A procession numbering 15,000 men paraded the streets of Havana, and marched to the Palace, where a committee presented a petition to the Military Governor, requesting the reduction of the United States tariff on sugar and tobacco. In Santiago, the Chamber of Commerce called a public meeting at which it was reported eight thousand were present, to endorse a similar memorial.] Similar meetings were held in other cities. Telegrams were sent to Washington from cities and towns in all parts of the Island, urging the necessity for prompt attention to Cuba's economic condition.

During the months of October and November, the movement gathered strength and became more coherent. [On November 24, there gathered in Washington a group of Cuban merchants, manufacturers, and planters. On the 26th, they called upon the President to pay their respects and to announce officially their mission. Several days were spent in conference with members of the Cabinet and prominent members of Congress. They were accorded a courteous reception, but were given little or no encouragement to believe that their requests would receive any immediate attention.]

Close upon the heels of this committee, General Wood appeared, ostensibly to discuss with the Secretary of War the steps to be taken in the pending transfer of the Cuban Government. Whether or not that was the actual object of his visit, it is certain that every possible use was made of his presence to advance the interests of the Cuban cause, into which the President had plunged with characteristic vigor.

[The annual report of the Secretary of War appeared during the last week in November. In that report, Mr. Root urged the wisdom and the necessity of granting tariff concessions to the products of the Island.] He rested his argument in a special manner upon the ground of moral obligation and public policy. He said:

[“Aside from the moral obligation to which we committed ourselves when we drove Spain out of Cuba, and aside from the ordinary considerations of commercial advantage involved in a reciprocity treaty, there are the weightiest reasons of American public policy pointing in the same direction; for the peace of Cuba is necessary to the peace of the United States; the health of Cuba is necessary to the health of the United States; the independence of Cuba is necessary to the safety of the United States. The same considerations

which led to the war with Spain now require that a commercial arrangement be made under which Cuba can live. The condition of the sugar and tobacco industries in Cuba is already such that the earliest possible action by Congress upon this subject is desirable." ]

[ In his annual message to Congress at its opening session, a few days later, President Roosevelt placed himself squarely on the side of the Cuban claimants.] His views followed the same line as that taken by Secretary Root, and a similar argument was used regarding moral obligations and public policy. The President said:

[ "Elsewhere I have discussed the question of reciprocity. In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her Constitution affirmed what we desired, that she should stand, in international matters, in closer and more friendly relations with us than with any other power; and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being." ]

The pro-Cuban forces were thus drawn up for the coming struggle, and the President and the Secretary of War declared themselves allies of Cuba. Their action involved the endorsement and the support of the administration's following among the press.

[ The opposing force which appeared in greatest prominence was the lobby organized by the beet sugar producers of the United States.] Forewarned by the agitation of the preceding months, and apprehensive of legislative action which would affect their industry, the American beet sugar interests of the country organized, and established in Wash-

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ington one of the most aggressive and persistent lobbies which had been seen in many years. [This organization drew to itself as allies the cane sugar producers of Louisiana and the tobacco growers of various States. It was also generally understood that it received strong support from the Hawaiian sugar industry, and, at the least, a fair measure of encouragement from various interests in other lines which feared that a reduction of tariff rates on Cuban products might be used as a precedent for a general attack on the tariff.]

[There was an early development of the fact that the Fifty-seventh Congress, standing as its majority did for the policy of protection to American industries, was opposed to action in the case of Cuba. It feared that tariff concessions or a reciprocity treaty of any kind, with Cuba or any other country, would be a letting down of the bars through which unnumbered industrial evils would enter.] At its opening, Congress was arrayed upon the side of Cuba's opponents, and in opposition to the expressed views of the Chief Executive. The attitude of this opposition is fairly presented in the following published interview with one of the leaders of the House of Representatives. [Mr. Sereno E. Payne, of New York, Chairman of the House Committee on Ways and Means, said:

"If we revised our tariff law to allow Cuban sugar to come in free, or at a reduced rate, we would, by reason of the 'most favored nation' clause, have to admit sugar at the same rate from every nation with which we have a treaty. That would mean practically the same reduction to all sugar-producing countries. On the other hand, Cuba has no government with which we can make a reciprocal arrangement, and it is not to be expected that our people are going to give her a reduction on her sugar, tobacco, and spirits without getting something in return. But with whom are we to treat in negotiating a reciprocity arrangement?"]

During their interviews with the officials, the Cuban visitors were assured that no action in their case was possible for the Executive beyond that of earnest recommendation to Congress. They were told that power to act rested in Congress and in Congress alone. There was no treaty-making power in Cuba. The only government was our own, and it was manifestly impossible to make a treaty with ourselves. The War Department doubtless had power to change the Cuban tariff in any way it saw fit. The tariff under which the Government of Intervention acted, was of American installation, and it had been both changed and modified. But power to change the American tariff rested in the House of Representatives, under the Constitution, as a measure affecting the national revenues. General Wood returned to Cuba at this time, leaving as a parting shot the declaration that "unless something is done at once to afford relief to the planters, bankruptcy will befall the greater number of them. They will not be able to pay the money they have borrowed to make the present crop. They cannot keep their laborers employed, and the latter will be reduced to beggary or brigandage. The situation is already desperate. It may become revolutionary."

The interest of General Wood in the matter was almost vital, and his position was somewhat critical. The historian of a few years later will measure his ability as an administrator, not by the amount of money expended for educational purposes, nor by the number of miles of streets which were swept each day, but by the general welfare, industrial as well as sociological, economic as well as sanitary, of the Cuban people.

Interest in the pending contest soon became national. [The press of the country plunged into an animated campaign in which party lines, and even respect for party policies,

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were generally obliterated. Republican, Democratic, and Independent papers throughout the United States demanded prompt and favorable action in the matter of Cuba's needs. No more than a limited number of papers of any note or standing in the country placed themselves in opposition. Congress, however, before its adjournment for the holidays, remained obdurate and persistent in its indifference. Two points were made plain by the developments of the month of December. One of these was that a hard and protracted fight was impending. The other was that Congress, the press, and the people were broadly destitute of adequate information regarding the actual situation in the Island of Cuba, and, as well, regarding the special lines of industry concerned in and affected by the controversy.

As the case stood, the arguments were — for the plaintiff, Cuba, that if concessions were not granted in the existing tariffs on her products, the Island would be immediately and hopelessly ruined, industrially, financially, and governmentally. The argument for the defendant, the American beet sugar industry, was, that if such concessions were made, a promising American enterprise would be strangled in its infancy. [Three interests were concerned:

*First — Special groups of American citizens.* These were represented by producers of sugar, whether from cane or from beet, within the established boundaries of the United States, including Hawaii and Porto Rico.

*Second — The people of Cuba,* for whom the United States, by its own act and recognition, had become sponsor in the various departments of their social, political, and economic life.

*Third — The people of the United States as a whole.* This interest involved their opportunity to purchase sugar, from any and all sources, at the cheapest possible price.

It also involved the moral obligation of these people to create in the Island of Cuba such conditions as would make it possible for the Cubans to establish "a stable government capable of maintaining order, insuring peace and tranquillity, and the security of its citizens as well as our own." Such an establishment was impossible except upon a basis of the reasonable prosperity of the Cuban people. Unless such a government should be established, the United States would become responsible for failure to justify its own interference between Spain and her West Indian colony.]

[Upon the reassembling of Congress, on Jan. 6, 1902, after the holiday recess, it became evident that some of the House leaders, at least, had "heard from their constituents." It was also evident that, although convinced that public opinion demanded favorable action upon the Cuban matter, these gentlemen were "of the same opinion still," and that action, if undertaken, would be only half-hearted, and every effort be made to protract investigation and postpone decision.] The beet sugar lobby adopted and pursued the questionable policy of threatening the defeat of various members at the coming elections, and both sides prepared for the coming struggle.

Questions were raised concerning the moral and legal responsibility of the United States for the industrial welfare of the Island. One side of the case was stated by Senator Burrows, of Michigan, a strenuous opponent of Cuban reciprocity. He said, with more of wit than logic, "We rushed in there (to Cuba) and drove away the man who was beating his wife, but we did not agree to support the children." Senator Platt, of Connecticut, with more of logic than wit, declared that, "No man is bound to adopt a child, as we have adopted Cuba; but having adopted a child, he is in all ways bound to provide for it."]

[The hearing before the Ways and Means Committee began on the fifteenth. Nine days were consumed, and the results are published in a volume of 752 pages.] The arguments and the statements of the various parties to the controversy were heard by the majority of the committee with every evidence of indifference and boredom. Cuba had no energetic advocate in the body, and the investigation was largely carried on by members who sought to support an opposition argument rather than to draw out facts. The Cuban representation was badly organized, or rather it was not organized at all, and their case was inadequately presented. The general attitude of the committee was partisan and hostile rather than broad-minded and judicial.

[The month of February saw a marked change in the attitude of the House leaders. The clamor of the press throughout the country, the expression of public and private opinion, the gloomy reports and urgent petitions from the Island, and the persistent pressure of the administration, made it plain to the obstructionist leaders that favorable action was imperative, and they effected a reluctant and half-hearted change of front.] This complicated the situation. There was no claim of change of opinion upon the main issue. The move was made on distinctly political grounds. The press might clamor, and the public might demand upon the ground of general welfare and national honor. These might have their weight, but they met with no response until it became evident that there was serious danger of antagonism between the House and the administration, and darkening menace of a split in the party. Then the leaders yielded, though most ungraciously. This made matters exceedingly awkward for those who, thus far, had followed their leaders. Should they, sheep-like, still follow, or should they continue to stand upon the ground which

they had been led to take by those who then deserted them? It was the inevitable outcome of following narrow policies rather than broad principles. Upon one hand, they faced the dreaded opposition to their leaders in their newly taken position. On the other hand, they faced the loss of their own self-respect and the respect of their fellows.

[The changed front of the leaders, several of whom were members of the Ways and Means Committee, made it possible for that committee, by a party vote and without the assistance of their Democratic associates, to draft a bill in favor of a concession to Cuba.] Ordinarily, the presentation of such a bill by the majority of the committee would insure its passage by a party vote in the House. But the complicated situation, created by the surrender of the position previously held by the House leaders, made the fate of the bill doubtful as a distinct party measure for which there could be claimed the credit presumably attached to satisfactory legislation.

A campaign was instituted within the party. The Cuban question ceased to be a question of Cuba. The Island and its interests, the United States and its interests, the honor of the country, and public opinion, were all submerged as mere incidents in the larger problem of holding the party together. The daily papers were full of stories of the struggle. Conferences were held, influence was exerted in various ways, members of the Senate took an unofficial hand. The defection from the "insurgent" ranks came slowly and gradually, but it came. Meanwhile, Cuba, the original cause, stood outside the gates in suffering expectancy; the press poured out columns of vigorous criticism and even denunciation—Republican and Democratic press alike, regardless of party; while all over the country there were heard individual threats to remember the incident at the next election.

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[If the system of Congressional procedure had made it possible to submit to the House of Representatives, as a body, the direct proposition of concessions or no concessions, reciprocity or no reciprocity, there is hardly room for doubt that a very considerable majority of the body would have declared in favor of such a measure. The extent of the concession, or the basis of a reciprocity treaty, is uncertain, but it is probable that it would have been in the vicinity of thirty to forty per cent. Under the methods employed, such a vote was not to be had.] The Senate, seemingly at the time more ready to act than the House, was debarred from active interference by the rule of Congressional courtesy. Senators and House leaders were frequently called to the White House for consultation. As the days passed, Cuba's prospects darkened. Sugar prices showed a constant downward tendency, influenced by an enormous surplus supply of European beet sugar. The opposition became more and more coherent, more and more stubborn and unyielding. The details of the struggle are too long and too complex for inclusion here. The first three weeks of March were a repetition of the month of February — endless discussion without definite results.

[At a party conference on the night of March 18, action was taken on the question of presenting to the House the majority report of the Ways and Means Committee, known as the Payne bill. This conference vote was not upon the measure itself, but upon the expediency of presenting such a measure for action in the House. The resolution was accepted by a vote of eighty-five to thirty-one.]

[The next day, March 19, Chairman Payne, of the Ways and Means Committee, introduced in the House the following bill, entitled "To provide for reciprocal trade relations with Cuba":

"That for the purpose of securing reciprocal trade relations with Cuba, the President is hereby authorized, as soon as may be after the establishment of an independent government in Cuba, and the enactment by said government of immigration and exclusion laws as fully restrictive of immigration as the laws of the United States, to enter into negotiations with said government with a view to the arrangement of a commercial agreement in which reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States by rates of duty which shall be less by an amount equivalent to at least twenty per cent ad valorem, upon such products and manufactures, than the rates imposed upon the like articles when imported into Cuba from the most favored of other countries, and shall not be greater than the rates imposed by the United States upon the like articles imported from Cuba; and whenever the Government of Cuba shall enact such immigration and exclusion laws, and shall enter into such commercial agreement with the United States and shall make such concessions in favor of the products and manufacturers thereof as aforesaid, and which agreement, in the judgment of the President, shall be reciprocal and equivalent, he shall be authorized to proclaim such facts, both as to the enactment of such immigration and exclusion laws and the making of such agreement, and thereafter, until the first day of December, 1903, the imposition of the duties now imposed by law on all articles imported from Cuba, the products thereof, into the United States shall be suspended, and in lieu thereof shall be levied, collected, and paid upon all such articles imported from Cuba eighty per cent of the rate of duty now levied upon like articles imported from foreign countries.

[ "The President shall have power, and it shall be his duty, whenever he shall be satisfied that either such immigration or exclusion laws or such agreement mentioned in this act are not being fully executed by the Government of Cuba to notify such government thereof, and thereafter there shall be levied, collected, and paid upon all articles imported from Cuba the full rate of duty provided by law upon articles imported from foreign countries." ]

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This was a compromise measure, and few if any were satisfied with it. Its meagre provision was a disappointment to the general public. It broke the policy for which many of Cuba's opponents and half-hearted friends had been standing, and accomplished little or nothing that would be of material benefit to either country.

[On March 31, the Payne bill was favorably reported in the House from the Ways and Means Committee. On April 8, it was taken up by a vote of 177 to 80.]

In the main, the supporters of the movement for reciprocity with Cuba stood upon the plane of moral obligation. In the main, its opponents stood upon the maintenance of a policy which they held to be a principle — the doctrine of protection to home industries.

A vote was taken on the bill with the Sibley Amendment providing a time limit, and the Morris Amendment providing the abolition of the "differential." This was approved by a vote of 247 to 52, forty-three Republicans and nine Democrats voting against it. The bill then went to the Senate for its action.

While the matter had been under formal deliberation, first by the Ways and Means Committee and later by the House, it had been under an active though informal consideration by the members of the Senate. Conferences between the President and the Senate leaders had been frequent, and personal conferences between Senators and Representatives had been of almost daily occurrence. There were many throughout the country who hoped and believed that the Senate was prepared to and would act promptly upon the question and increase the petty twenty per cent proposed by the House bill. In this they were disappointed.

[At the time of the sending of the Cuban reciprocity bill from the House to the Senate, the latter body was engaged

in an active struggle over the Philippines self-government bill, and the Cuban measure was held pending the determination of that contest. An active controversy was also in process regarding the Isthmian Canal, and between those and the routine work of the Senate, the Cuban bill failed to come up for direct consideration.)

From the very beginning of the session, every possible effort was made by certain members of Congress to befog the issue, to delay and, if possible, to prevent action. These men were numbered among the leaders in both Houses. In the lower House the issue was delayed for four months, and was endlessly tangled before the passage of a confused and unsatisfactory measure. [The Senate repeated, in effect, the experience of the House. A group of "insurgents" fought for delay, only too successfully, and added to the general confusion. Before the beginning of February, there had been urgent calls upon the President for a special message. Two or three times, the President was reported as being on the eve of issuing such a message, but he was induced to withhold it. With the opening days of June, Senate action seemed so improbable that, on the thirteenth, a special message was sent.] It was little more than a routine repetition of arguments that had been thoroughly threshed out during the campaign. Ultra-administration organs pronounced it a "ringing message," and declared that it cleared the air by lifting the whole question to a high moral plane. In fact, it lifted the question no higher than it had been for months, and the political atmosphere remained quite as murky as ever. Eighteen Republican senators, led by Senator Burrows, of Michigan, had joined the beet sugar ranks, and stood immovable. Compromise efforts and measures failed, and the question was raised whether there was not on foot a definite purpose to starve Cuba into annexation.

[On the 1st of July, the long session of the Fifty-seventh Congress adjourned without final action on the Cuban reciprocity bill.] Commenting editorially upon the matter, the *Review of Reviews* ably presented the case for the public, by saying:

"Congress, in the opinion of the best intelligence and judgment of the country, was guilty of one great sin of omission in failing to live up to the moral obligation of the United States to do something for the economic relief of Cuba. It would have been nothing more than decent to have admitted all Cuban crops of the present year to the ports of the United States duty free. We had taken control, and had spent Cuba's revenues freely in reconstructing matters according to our own ideas. It was due to our self-respect to give the new Cuban Government a handsome send-off. Economic prosperity, as every one knew, was essential both to the success of Cuba's experiment in home rule, and to the establishment of permanently satisfactory relations between Cuba and the United States. Certain Western agricultural interests, creditably eager to promote the development of the American beet sugar industry, were used as a cats-paw by a designing combination which, in turn, had power enough in Washington to prevent any action whatever. The situation became a very complicated and involved one; but its outlines will be clear in due time."

The notably weak point in this comment lies in the assertion that "every one knew" that "economic prosperity was essential both to" the success of Cuba's new government and to the establishment of desirable relations between the two countries. If these facts were so clearly realized, it is most unfortunate that they should have been, for three years, so persistently ignored. It is unfortunate that those who urged them encountered only opposition, and sometimes obloquy, and drew upon themselves the antagonism of the administration press, and the local administrator in Cuba. That the economic needs of the Island were neglected from the very beginning is shown by all the testimony of competent

observers, by the reports of the Cuban Secretary of Agriculture, by the comments and statements of the insular press, and by the entire history of the period of occupation. Again and again the Military Governor asserted that the Island was prosperous and the people contented. The Secretary of War visited the Island and presented the same report on his return. The complaints of the Cuban press, printed in Spanish, were seldom available for American readers. Visitors to the Island saw the well-swept streets of Havana, and listened to glowing reports of educational establishment, sanitation, and the decrease of yellow fever, and went home to declare that all was well, without having had even a glimpse of the real Cuba.

The congressional sin of failure to act at this juncture was more pardonable than the sin of the administration in Cuba, in its omission to do that which might have been done to prevent the crisis which resulted from its neglect of Cuba's economic needs. That sin was glaring, and inevitably rose to threaten us. A fair measure of industrial prosperity is the only basis for national content, the touchstone of successful administration, the very groundwork of social and political stability. Cuba, at the close of America's rule in the Island, was poorer, financially and industrially, than she had been in earlier days when revolt followed revolt for the improvement of her economic condition. We spent Cuba's revenues with liberal hand along lines of vast importance, but upon a scale which was not imperative, and which might have been modified until the burden entailed by their establishment could have been easily carried by the profits of general industry. The failure of Congress to relieve a situation for which we and our agents were so largely responsible, is only less lamentable and only less blameworthy than our failure to avert the situation.

## CHAPTER XVIII

### INDUSTRY AND COMMERCE

INDUSTRIAL prostration and commercial stagnation were the inevitable results of warfare conducted on the ruthless lines of the struggle between Spain and her rebellious colony. Figures are not available upon which it is safe to base statements of trade losses, or to essay comparisons. Official figures may be quoted, but there is no guarantee whatever of the correctness of those figures. The methods pursued in the custom houses of the Island, during the Spanish *régime*, were such that no reliance can be placed on even the published official reports. From all obtainable reports and statements, only one inference is possible. That is, that the methods of Spanish administration in Cuba's custom houses were nothing other than well-organized corruption. No secret was made of it. By a recognized and established collusion between the importer and the employés and officials in the custom house, coffee, upon which the duty was \$12.15 per 100 kilos, might come in as corn as \$2.40 per 100 kilos. A piano, upon which the duty was fixed at \$115, might come in as an organ, at half its proper valuation and a lower rate of duty. Lace might come in as cotton goods, and sheet copper, at \$14 per 100 kilos, might come in as sheet iron at \$2.90. False entry and undervaluation make it impossible to state with accuracy the precise extent of Cuban importation in the days of Spanish control. The same applies in only a less degree regarding exports.

In round figures, the exports for 1893 and 1894 may be given as \$100,000,000, and the imports as \$60,000,000. It is probable that the imports are more greatly undervalued than the exports, but the facts in either case are impossible of determination.

Evidence of this corruption in the custom houses lies in the fact that under the honest administration of that department by General Bliss, there was obtained an annual revenue of \$15,000,000 to \$16,000,000, whereas under the old system and a higher rate of duty, a fairly prosperous Cuba, making larger purchases, obtained only some \$12,000,000 from the same source of revenue. This could only result from corruption in the Cuban custom houses and falsified entries at the port of shipment, whether in Europe or America.

As a result of the war, the exports of the Island fell off about one-half for the year 1896, and the imports were reduced about one-third, yet, according to the figures given, the balance of trade was still in favor of the Island. The commerce for the term of American occupation is given by the Collector of Customs, General Bliss, as follows:

	IMPORTS	EXPORTS
1899 .....	\$74,846,186.00	\$49,327,724.00
1900 .....	69,887,547.00	51,363,498.00
1901 .....	67,751,911.00	66,502,533.00
1902 (5 mos., 19 days).....	<u>25,157,300.00</u>	<u>23,133,719.00</u>
Total .....	<u>\$237,641,944.00</u>	<u>\$190,927,474.00</u>

This statement shows an apparent balance of trade against the Island of \$47,314,470. This should be reduced by the sum of \$3,016,542, which represents the balance in shipments of coin and bullion. The debit balance in merchandise shipments for the period of intervention is, there-

fore, \$44,297,928. The merchandise exports and imports were:

	IMPORTS	EXPORTS
1899 .....	\$66,308,185.00	\$44,173,280.00
1900 .....	66,464,467.00	48,925,846.00
1901 .....	66,582,776.00	63,278,744.00
1902 (5 mos., 19 days).....	24,367,192.00	23,046,822.00
Total .....	<u>\$223,722,620.00</u>	<u>\$179,424,692.00</u>

These figures are interesting and suggestive. The importation figures, notwithstanding the dire poverty of the Island, particularly during 1899, are above those shown during the years of the Spanish *regimé*. The table of exports shows an increase of nearly fifty per cent during the occupation. This is accounted for almost exclusively by the increased output of raw sugar. The crop of 1898–1899 yielded 335,668 tons, while that of 1901–1902 approximated 800,000 tons. This increase was due entirely to individual initiative and enterprise, and not at all to governmental influence beyond the fact of the establishment of peace. That January, 1900, saw the people of the Island in better condition than they were twelve months before is unquestionable. In January, 1899, thousands were being cared for as objects of charity. A year later, they were maintaining themselves as best they could by their own labor. Gradually they pulled themselves into a position of somewhat precarious self-maintenance. So remarkable a change was effected within a few short months that it became customary for those who saw the rehabilitation which Cuban industry effected, to boast of what the United States had done toward the industrial reconstruction of the Island. But so far as the great mass of the Cuban peasantry was concerned, their reestablishment reached the point of mere maintenance, and there stopped. More was impossible

from lack of means and facilities. Compared with their condition in 1894, when protest against oppressive conditions led to armed revolt, they were, in 1899, in a far more evil state. To that great power which had relieved them from the heavy hand of Spain they looked for the realization of their hopes for industrial freedom and prosperity.

Sugar and tobacco have long been the great wealth-producing crops of Cuba. The production of these, notably sugar, was seriously interrupted during the war period. The sugar crop fell from 1,054,214 long tons for the season of 1893-94, and 1,004,264 in 1894-95, to 225,221 in 1895-96, and 212,051 in 1896-97, and 305,543 in 1897-98. Inasmuch as a large percentage of the cost of sugar production is represented by labor, it is quite within bounds to say that Cuba, with a population of little more than one and a half millions, was a loser of more than \$100,000,000, during those three seasons, from this cause alone. Upon the same basis of a normal average production, the following three seasons show a further loss of nearly another \$100,000,000. These figures are given as, approximately, the sum which, under normal conditions, would have been paid to the people of the Island for their labor and their services in the various departments of sugar production alone during the war period and the three years of Intervention.

While the great mass of the Island people were prostrate, and many of them utterly helpless, a few estates had been able to continue their operations, and these were in the beginning of the grinding season at the time of the American occupation. Peace conditions enabled others to essay the cleaning up of their devastated fields and the repair of their partially wrecked machinery. This made a call for laborers, and in some sections the supply was a long way from sufficient.

This was notably the case in the mining areas of Santiago province.

Stocks of merchandise had been greatly depleted during the period of the blockade, and, after the signing of the protocol, merchants generally waited the developments of the new order of things before replenishing their shelves and warehouses. The provision for Spanish evacuation and American control, and the issuance, in December, 1898, of the new tariff schedule, effecting a very considerable reduction in the former rates, opened the door to a greatly increased importation. Notwithstanding the general poverty and distress on the Island, trade conditions, as such, were quite active. The presence of a large body of American troops, scattered throughout the Island, and of several thousand civilians, tourists, and department clerks, made a demand for merchandise of various kinds. The commerce of the Island was, and still is, almost exclusively in the hands of Spaniards. The merchants had suffered loss by interruption to their business, but it is a striking fact that there was not a commercial failure of any note during either the war period or the term of Intervention.

The new tariff schedule, established by virtue of military authority, effected a material reduction in the Cuban tariff with no small advantage to merchants and producers in the United States. Regarding the former Spanish tariff, Commissioner Porter stated in his report to the Secretary of the Treasury, under date of Nov. 15, 1898:

“The Spanish tariff was made by Spaniards, for Spain, in the interests of the Spanish. That seems to be the only principle in it. On any other theory, it was inexplicable. . . . Its rates were full of inequalities, and were not levied on any sound principle, but on the ‘heads Spain wins and tails Cuba loses’ idea, which prevails in the whole fiscal fabric.”

The new tariff was issued, under executive order from Washington, under date of Dec. 13, 1898. It was based upon the result of the investigations of Mr. Porter, and while it was admittedly faulty and unsuitable, it was without doubt the best that could be done in the available time. By its provisions, a material reduction was effected.

This tariff was, necessarily, merely provisional. Sundry minor modifications were effected from time to time to meet the exigencies of special cases. Under an order issued in Washington on March 31, 1900, a new tariff went into effect on June 15, 1900. Concerning the new schedule, Colonel Bliss, Collector of Customs, in his report dated August 6, says:

"This tariff is a modification of the one promulgated to go into effect on the first day of January, 1899, and differs in no way from the latter as concerns the principles of its construction. For the most part, the changes introduced were for the purpose of obviating difficulties which had arisen in the application of the previous tariff, removing ambiguities, etc.

"The tariff which was prepared to go into operation at the beginning of the military occupation of Cuba was, naturally and properly under the circumstances, a translation of the pre-existing Spanish tariff, with such modifications in the rates of duty as were suggested and demanded by the existing conditions of the Island. The principal change, therefore, consisted in a general reduction of duties, combined with the abolition of the previous differential in favor of Spanish trade. The classification which prevailed under the Spanish régime was in general adhered to under the American administration of the customs service. This course was the proper, since the power to classify is really the power to make a tariff, and were any other course pursued, it could be justly charged against the customs administration that it was assuming the power which had been intrusted to those who prepared the tariff. But it required very little experience to show that the

original tariff was devised to meet conditions and to facilitate practices and methods of business which were not supposed to be allowed under the new administration; that the tariff of which its successor was a literal translation was so constructed,—perhaps inadvertently,—as to enable customs officials to defraud and plunder importers, on the one side, and the Government on the other. It is difficult to conceive of an engine for fraud more ingeniously constructed, and such was its use, whatever may have been the motives which originally inspired it. It was so devised as to permit and encourage fraud in varying degrees, by the various officials of the Custom House, from the highest to the lowest. This machinery, with all its possibilities of crime, was placed in the hands of an American administration composed of an extremely limited personnel, and upon which was imposed the responsibility that the engine should no longer be worked as one of crime and oppression, while at the same time many of its complicated parts had to be operated by those who could so use it, and who could not be altogether prevented if they so desired."

The provisions of the new schedule gave to the United States a virtual monopoly of Cuban trade in fresh beef, pork, eggs, flour, coal, coal oil, machinery, railroad iron, and various other articles of important consumption in the Island of Cuba. Upon many other lines, such as cattle, rice, wines, salt, preserved fruits, dried beef, cottons, linens, woolens, silk, shoes, and hats, the rates stood at points which practically barred the United States merchants and producers from even a reasonable competition with the countries of Europe and South America. The changes which were effected in the Cuban tariff during the term of American occupation produced no change, properly attributable to the tariff, either in the gross imports of the Island, or in the gross amount of trade with the United States. The total imports of merchandise for the years of the occupation are given upon a preceding page in this chapter. The

trade with the United States, coin and bullion included, appears as follows:

	EXPORT TO U. S.	IMPORT FROM U. S.
1899 .....	\$34,381,738.00	\$37,188,597.00
1900 .....	33,571,994.00	32,248,595.00
1901 .....	50,016,318.00	28,469,251.00
1902 (5 mos., 19 days) ....	16,631,002.00	11,217,080.00

The duties imposed under the tariff of June, 1900, were the equivalent of twenty-one and a half per cent on an *ad valorem* basis. About the first of March, 1901, a commission was appointed for the purpose of drafting a more suitable tariff schedule, based upon the need of a revenue of some \$15,000,-000 a year from the customs service, and yet having due regard for the industrial and commercial welfare of the Island. The report of this board was presented in September, but it was not acted upon by the authorities. It was held that in view of the impending transfer of governmental control the matter should be left for determination by the Cuban government after its establishment.

Reference has already been made to the disastrous falling off in the amount of sugar produced in the Island during the war period. Coincident with this there was a marked reduction in the market price of that commodity. Manipulation of the European beet sugar output, under a system of tariffs and bounties, enabled an organization known as the "Kartel" to place its sugars in the world's markets at a figure which was below the actual cost of production. With that sugar Cuba was obliged to compete. Her market was the United States, and prices in that market were based on Hamburg quotations of European beet sugar. This, naturally, added to the general stringency of the conditions of the Island. The United States was not directly responsible for the misfortunes which fell upon the Cuban sugar

planter as a result of artificial trade conditions on the Continent of Europe. Yet responsibility did rest with the United States to establish, in its own interest as well as in that of Cuba, those favorable economic conditions which are so distinctly the basis of sound and healthy government.

It was recognized by careful observers and students that Cuba's political difficulties would be most readily solved through the channels of industrial activity and prosperity. There was grave question whether they could be solved along any other lines. The attention of the government was frequently called to the fact. In a memorial addressed to President McKinley, in November, 1899, by representatives of the Planters and Farmers Association of Cuba (*Circulo de Hacendados y Agricultores*), there appears the following statement:

"If the sugar industry is rehabilitated in Cuba; if the work in tobacco plantations is revived; if the mining industry is again manned, then and at that time, but not before, the pacification of the Island, which, to the honor and glory of the United States, was the purpose of the Joint Resolution of Congress, approved by you on April 20, 1898, will be consummated.

"No student of history or close observer of contemporary events, can ignore for a moment that at the very bottom of the troubles between Cuba and Spain the violation by the latter of the economic laws, as eternal and sure in their action as the laws of nature, was always to be found as a factor of the greatest prominence."

Many presentations of a similar tenor were made during and prior to the first year of occupation. None of them would appear to have got beyond the point of "consideration." During the entire period of intervention there appears to have been an almost total disregard of the difficulty of establishing a successful and enduring government over a poverty-stricken people. A prosperous people will endure

without complaint a vast amount of governmental iniquity and oppression. A poor and hungry people will be discontented under a government which may be in all ways morally and mechanically perfect. The contemplation of an ideal administration is little satisfactory to a ragged citizen with an empty stomach. In ignoring this fundamental fact, the United States committed its most serious error in its experience in the Island of Cuba.

## CHAPTER XIX

### LAW AND JUSTICE

THAT the United States had the power to effect radical changes in the existing legal system of Cuba, is shown by the fact that such changes were made. The legal or moral right to interfere in any way with the established laws of a land which our Supreme Court declared to be "foreign territory," beyond the point of necessity for the immediate maintenance of law and order and the protection of life and property, has been called in question. Yet this right was assumed, and the assumption was endorsed by the administration at Washington.

The maladministration of the laws in force in the Island, under the Spanish *régime*, gave rise to a belief that the evil lay in the laws themselves. In an address before the Ohio Bar Association, on July 12, 1899, the Hon. William Wirt Howe made the following statement:

"The student of Spanish jurisprudence is impressed with the learning and the juristic ability which it displays. There is no trouble in this respect. It is a noble system. But the contrast between the splendid science of the system and the moral quality of its administration in the Spanish colonies, is something very pathetic."

The Spanish system of jurisprudence is, like all such systems, the result of development. Walton, in his Civil Law in Spain and Spanish America (page 22), summarizes the history of Spanish law under six headings:

**The Primitive Period, Sixteenth Century B.C. to 414 A.D.**

**The Visigoth Epoch, 414 to 687 A.D.**

**The Hispano-Gothic Period, 687-700 to 711 A.D.**

**The Saracenic Invasion, 711 to 1255 A.D.**

**The re-establishment of Roman Laws, 1255 to 1810.**

**The Modern Epoch, 1810 to 1900.**

With the establishment of her vast colonial interests, during the early years of the sixteenth century, it became necessary for Spain to provide laws and legal processes for the new territory which had been acquired by conquest and by discovery.

In 1524, there was issued a royal decree of which the following was a part:

"Considering the great benefits and advantages which, by the grace of God, we have received, and every day do receive, from the increase and growth of the Kingdom and dominions of our Indies; and being well advised of the obligation and duty towards them which this imposes upon us, we are solicitous, on our part (with God's assistance), to devise suitable means by which such great kingdoms and dominions may be governed and ruled in a proper manner."

This appears as a sort of preamble to a decree establishing a body known as the Council of the Indies. Walton's Civil Law in Spain and Spanish America (page 520) says: "The Council of the Indies had supreme jurisdiction over all the colonies; all the laws and ordinances of viceroys and governors were subject to its approval; and it had power to frame laws." Until 1661, the laws of Cuba and the Spanish colonies in general were the laws of Spain supplemented by an assortment of decrees, ordinances, and regulations, issued by the Crown, by the Council, and by the Church. In that year these were compiled and published. A better digested edition was issued in 1681. This was known as

the Compilation of the Laws of the Indies. (*Recopilacion de Leyes de los Reynos de las Indies.*)

This formed the basis of Cuban law until the beginning of the nineteenth century, when the revolution of that period established the constitutional Cortes in Spain. Constitutionalism in Spain has had a somewhat erratic career, but its influence has marked the legal as well as the political history of that nation and its colonies for the last century. By the short-lived Spanish constitutions of 1812 and 1820, Cuba was nominally granted representation in the Cortes at Madrid. A nominal representation was also granted by the Constitution of 1876. None of these was of any real benefit to the Island.

Although Cuba remained a subject colony, her prolonged agitations, her many protests, and her occasional revolts were by no means barren of results. To those measures, and notably to the Ten Years' War, is due the legal reform in Cuba which has been effected during the last quarter of a century. On May 28, 1879, the Spanish Penal Code was extended to Cuba. The Mortgage Law was extended May 1, 1880. To do away with certain undesirable features, and to bring the law into fuller harmony with the provisions of the Civil Code, this code was modified on July 14, 1893. The Monarchical Constitution was applied to the Island April 7, 1881. The Law of Civil Procedure followed, Sept. 25, 1885, and on Jan. 28, 1886, the Commercial Code was put into effect. This was followed, on Oct. 18, 1888, by the Law of Criminal Procedure, and on July 31, 1889, the last of the group, the Civil Code, was also extended to the Island, and the laws of Cuba then became, in general, the same as those of the Peninsula, with the exception of such minor modifications as became necessary to fit them to a Colonial instead of a Crown government.

By the decree of April 7, 1881, the Spanish Constitution of 1876 was applied to Cuba. Under this, nominally, the Cubans possessed all the rights of Spanish citizenship. This Constitution included provisions which are practically the equivalent of a Bill of Rights and the Habeas Corpus. It provided that no inhabitant of Cuba might be arrested except in the cases and in the manner prescribed by law. Within twenty-four hours of the arrest, the prisoner must be discharged or surrendered to the judicial authorities; thereupon a judge having jurisdiction must, within seventy-two hours, order either the discharge of the prisoner or his commitment to jail. Within the same limit of time, the prisoner must be informed of the decision in his case. No citizen could be committed except upon the warrant of a judge having jurisdiction. Dwelling-houses and mails were to be held inviolate without due process of law. Confiscation of property was prohibited, as was expropriation for public use unless just compensation had previously been made. Religious freedom was established, though the Roman Catholic religion was declared the religion of the State. Article XII provided that every Cuban, like every Spaniard, had the right to express freely his opinions, orally or in writing or through the press, without censorship; the right to assemble peaceably, to form associations, to petition, individually or in combination with others, the King, the Cortes, and the authorities. Cubans were given right to hold public office, according to individual merit and capacity. The constitutional rights were guaranteed by laws passed in support of the Constitution. The laws provided remedies, civil and criminal, for their infringement by judges or other authorities.

While it all appears, to the lay mind, to be greatly involved, it is nevertheless the fact that the legal structure,

as a whole, stands without superior in the history of jurisprudence. Spanish Law contains much which does not favorably impress those to whom the operations of the system known as the Common Law are more familiar. But it is to be remembered that it is a system which was familiar to the people and to the practitioners in Cuba. To supplant it bodily by the laws of the United States would have been an act quite without warrant and assuredly productive of a state of utter confusion. Of the laws of Cuba, it is probably enough to say that, upon our assumption of the control of the Island, we found an established code which was as well adapted to the needs and conditions of the Island as the Common Law of England is to that country, excepting its need of such changes as were necessary to separate it from the institution of Spain. Many changes have been introduced, many laws repealed, and many modified. It is an open question among authorities whether or not there has been either right or wisdom in a large number of these changes. Even more severe criticism is passed upon the manner in which these changes have been made. It will be noted that it is only within a brief period that those laws have been applied to the Island. Prior to that, law in Cuba was little other than a jumble of special decrees and ordinances, subject to overrule at any time by the will or whim of military governors. In no small measure, the period of American occupation has been a reversion to the original method with the exception that the existing legal system was an immeasurable improvement upon that of twenty years ago.

Immediately following the establishment of American authority in Santiago province, there was issued General Order No. 101, dated from the Executive Mansion, Washington, July 13, 1898. A paragraph of that order reads as follows:

"Though the powers of the military occupant are absolute and supreme, and immediately operate upon the political condition of the inhabitants, the municipal laws of the conquered territory, such as affect private rights of person and property and provide for the punishment of crime, are considered as continuing in force, so far as they are compatible with the new order of things, until they are suspended or superseded by the occupying belligerent, and in practice they are not usually abrogated, but are allowed to remain in force and to be administered by the ordinary tribunals, substantially as they were before the occupation. This enlightened practice is, so far as possible, to be adhered to on the present occasion. The judges and the other officials connected with the administration of justice may, if they accept the supremacy of the United States, continue to administer the ordinary law of the land, as between man and man, under the supervision of the American Commander-in-Chief. The native constabulary will, so far as may be practicable, be preserved. The freedom of the people to pursue their accustomed occupations will be abridged only when it may be necessary to do so."

Upon the assumption of full control of the Island, on Jan. 1, 1899, General Brooke issued a proclamation in which the following paragraph appears:

"The civil and criminal code which prevailed prior to the relinquishment of Spanish sovereignty will remain in force, with such modifications and changes as may from time to time be found necessary in the interests of good government."

Although not so stated, this order presumably established all the laws then existing, subject to changes made when change seemed necessary or desirable. Otherwise, Cuba has had no laws except the Civil and the Criminal codes, supplemented by the military authority of the Governor General. The tenor of General Brooke's proclamation, drafted by the authorities in Washington, was an endorse-

ment and combination of the President's order of July 13, 1898.

The place occupied in all this by that autonomous government which was proclaimed in November, 1897, is somewhat indefinite. Such a government was proclaimed by Spain, and, after a peculiar process of general elections, was inaugurated in May, 1898. Its Constitution, if it ever had one, was never ratified by the Cortes, as prescribed by the Spanish Decree. But the representatives of a presumably organized autonomous government met, made speeches, passed laws, and adjourned. No session was held after the signing of the protocol, and General Blanco dissolved the chambers in October, 1898. The experience of the autonomous government was manifestly irregular, and its acts have been ignored.

During the Spanish *régime*, the Supreme Court of Cuba was at Madrid. This relation terminated with the relinquishment of Spanish sovereignty in the Island. On April 14, 1899, there was issued Civil Order No. 41, whose opening paragraph is as follows:

“A Supreme Court is hereby created, which shall sit in the capital of the Island, and which shall have and shall exercise jurisdiction throughout Cuban territory. No other court or tribunal shall have the same title, character, or category.”

Other paragraphs provided for the personnel of the court, for its functions, and for the functions of its various officers and for their salaries. Civil Order No. 92, dated June 26, declares the grounds upon which appeal may be taken to the higher court and the processes necessary in such appeal.

Civil Order No. 80, June 15, provided for the reorganization of the *Audiencias*, one in each of the six provinces of the Island. These exercised civil and criminal jurisdiction

within the boundaries of their special territory. This was a reëstablishment of the Spanish system, with the exception that, under that system, only the *Audiencias* of Havana, Matanzas, and Santa Clara possessed jurisdiction in civil matters; Havana having civil jurisdiction over Pinar del Rio; Matanzas over Santa Clara; and Santiago over Puerto Principe. The new law gave equal powers to all. The order provided for the constitution of the courts, the attributes, and the salaries of officials and employés.

Below the *Audiencias* came the Courts of First Instance. These were regulated by Civil Order No. 205, under date of Oct. 28, 1899. The next in order are the Municipal Courts, and below them the Correctional or Police Courts established in Havana, by General Ludlow, with excellent results though without proper authority. The Correctional Court in Havana was given legal status by General Wood, several months after its institution by General Ludlow, and similar courts were established in other cities.

That a fundamental change in the existing laws was considered during the earlier days of American occupation, is indicated by the report of General Brooke, under the caption of Laws, dated Dec. 20, 1899. It is there said that:

"The difference in the system of laws found existing here and that practised in the United States, and the difference of language, prevented any immediate radical change.

"To have introduced the American system at once would have produced chaos in the courts, for neither the judges nor the lawyers could have understood or practised it. The changes, therefore, have been made in most important matters just as rapidly as the necessity therefor, or advantage thereof, could be made understood by the Cuban people. The most important unfinished work in this respect is the Writ of Habeas Corpus, which has been under consideration for some time. It is contended by the Cuban lawyers

that the remedies covered by this writ are already provided for in their laws, but under a different form — a method of appeal, instead of by summary proceedings. It is believed, however, that the method of procedure in this respect may yet be changed, and that this can be done without material conflict with the existing system. In any such change it is necessary to consider the effect it will have upon the general system of law now in force."

The consideration of the question of radical change is also indicated in the report, dated Sept. 30, 1899, of Lieut.-Col. E. S. Dudley, Judge Advocate on the staff of the Military Governor. He there says:

"Radical changes in the law which might be made in territory wholly subject to the United States, with a view to the introduction of American systems of law or procedure, cannot well be made in a country which we are holding, as a friendly territory, under belligerent rights acquired through our war with Spain, with the object of enabling a stable government to be established. It is necessary to consult the views of the representatives of the people who are to form the new government, as to such changes, and to act in accordance with what will be for the best interest of their future, setting aside our own personal views; for they have grown up under an entirely different system of government from our own, are accustomed to their own laws and methods of procedure, and it is not easy to change the entire customs of a people, even for the better, until they are educated to the necessity therefor and the wisdom of doing it. It is necessary, also, before such changes are made, to consider the effect upon the entire system of laws, as some proposed changes, if many in number, would result in the necessity for a complete change of the system, and for that the people are not yet prepared.

"We must have regard to the race of men, their education, customs, conditions under which they were born and have lived, and the ideas with which they are imbued. Thus it will be seen that in Cuba it is better to 'make haste slowly' than to enforce laws

antagonistic to the people, and which they will not appreciate until educated to it."

It would appear that the views of General Brooke and his Judge Advocate were not fully endorsed by the succeeding administration. It is possible that Secretary of Justice Gener found favor in the sight of his chief by reason of his expression of more radical views. In his report dated Oct. 31, 1900, that official says:

"With the disappearance of the secular sovereignty of Spain, all our judicial institutions were disorganized, as they had their roots imbedded in the said sovereignty. . . . The political order of things which for four centuries prevailed in Cuba having been essentially modified, the sovereignty that served as a foundation having been destroyed, the necessity of modifying legal procedure became and continues to be absolutely needed. . . . If here the colonial laws should be left intact, if the old judicial *régime* were adhered to, it would result that the revolution would be exclusively limited to the expulsion of Spain from Cuba. . . . If this were the case the people would not receive from the revolution all the benefits to which they are entitled, inasmuch as in essence the laws of the vanquished *régime* would continue to exist. The effects of the Cuban revolution and of the war that the United States engaged in against Spain, . . . must of necessity be felt in all parts of our legal life, as the revolution in Cuba was not solely for the purpose of putting one government in the place of another, one bureaucracy in the place of another bureaucracy, but was for the purpose of establishing some institutions in the place of other ones."

"Therefore, the undersigned Secretary believes that, without detriment to what at the proper time the future government of Cuba may decide upon, the one which at the present time rules the destinies of the country should not neglect to fulfil its mission of modifying or reforming the laws that required to be modified or reformed."

While it is not to be denied that personal jealousy and partisan politics entered into the question, there is no doubt that the extent of the legal reform essayed by the Military Governor and his Secretary of Justice brought on the serious antagonism of a considerable number of the members of the insular bar, and led to a controversy which resulted in the issuance of Civil Order No. 500. This abolished an association of long establishment, known as the College of Lawyers. The suppression of this institution met with both approval and condemnation.

The faults and the abuses of the Spanish methods of procedure were many and flagrant. Judges sat in offices at their places of residence, and the clerk of any special judge might live at the opposite end of the city, likewise performing the duties of his office at his residence. The system of fees, instead of fixed salaries, to both judge and clerk, left law and legal proceedings quite a matter of commerce, with a judgment to plaintiff or defendant according to the amount of the fees extractable from either or both. Commenting upon this point, Judge Advocate Dudley says, in his report dated Sept. 30, 1899:

"Much of the corruption which existed in the courts under the Spanish *régime* was due to the system of payment of municipal judges, and the subordinate clerks or employees of all courts, especially in criminal cases, by fees instead of salaries. The demand for fees outside of the legitimate allowances was so habitual that it became a 'custom of the country,' and in important matters payment thereof was necessary to secure prompt transaction of business. The methods of collection of such illegal fees had, through long years of use, attained the highest point of perfection, and it was difficult to say what official was free from it. It was so customary that the thought of moral wrong does not seem to have attached to it, and it will probably only disappear under new

methods of procedure and education as to moral principles of right and wrong in money matters. The system of government at a distance by Spain, through officials who apparently used their offices for personal purposes and to attain private wealth, has left its effect on these people who have for centuries lived under it, and it will probably take some years to completely change the wrong ideas with which many office holders seem to have become imbued."

An important, and in many ways desirable change was made by the issuance of the following:

Civil Order No. 523.

*Headquarters Department of Cuba.*

HAVANA, December 31, 1900.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. From and after the first day of February, 1901, all Court Recorders, Officials, and Clerks in the Courts of First Instance and Instruction of this Island, shall cease in their functions, and shall be replaced in their respective positions by Court Recorders, Assistant Court Recorders, and Clerks, who shall be named for the purpose, according to the list inserted at the end of this order.

II. The salaries that shall be paid will be those specified in the said list, and will be paid by the General Treasury of this Island.

III. The Court Recorders and Assistant Court Recorders shall be appointed by the Department of Justice, after the examination of presented certificates of comparative qualifications during a period of twenty days. The clerks shall be appointed by the respective Judges upon the recommendation of the proper Court Recorders.

IV. Candidates for the positions of Court Recorder or Assistant Court Recorder shall present their certified petitions to the proper Judges, who will forward them on the day following that on which the period for receiving certificates of competitive examinations closes, to the Department of Justice in a sealed and registered

envelope, together with a report as to the physical, moral, and intellectual conditions of each candidate.

V. For the occupancy of said positions there shall be preferred indiscriminately candidates who possess diplomas of Lawyers or Notaries or who have performed or are still performing the duties of Court Recorders.

VI. The provisional appointments of Court Recorders or Assistant Court Recorders shall be made by the Department of Justice after hearing the opinion of the proper Judges, or by the latter, after due authorization from the said Department.

VII. The Records, both civil as well as criminal, which are to-day in charge of Court Recorders shall be distributed among the Court Recorders that may be appointed, in the most equitable form in accordance with the opinion of the proper Judge.

VIII. From and after the first day of February, 1901, the Administration of Justice in all Courts of First Instance and Instruction of this Island shall not entail the payment of any fees whatsoever.

IX. From and after the first day of February, 1901, the "*Juzgado de Guardia*" of Havana shall consist of a special personnel exclusively dedicated to the duties thereof, appointed by the Department of Justice according to the provisions contained in the attached list, who shall receive the salaries specified therein and which will be paid by the General Treasury of this Island.

X. From and after the first day of February, 1901, the four Courts of First Instance and Instruction and that of "*Guardia*" of Havana, shall be installed in one building which will be furnished by the Government; for which installation and maintenance, including salaries of employés, the necessary amount will be allotted in accordance with provision made in attached list.

XI. From and after the first day of February, 1901, the Judges of First Instance and Instruction of Havana shall not receive the sums allotted for house rent, and the Court Recorders who at the present time have salaries assigned by the Government shall cease enjoyment thereof.

XII. The Secretary of Justice is hereby authorized to secure a building possessing the necessary conditions to install therein the four Courts of First Instance and Instruction and that of "Guardia," Havana, and to recommend to the Military Governor the conditions for the lease of said building, in accordance with the attached list, as well as the estimate of the alterations and repairs that may have to be made thereon, the cost of which shall not exceed four thousand dollars, consulting with the Secretary of Public Works as to the preparation of said estimate.

XIII. This order shall go into effect from the date of its publication in the Official Gazette of Havana, and on the same day the period granted for the presentation of certificates of qualifications to which paragraph III refers shall also commence.

XIV. All legal rulings that may be antagonistic to the provisions contained in this order are hereby declared to be null and void.

XV. The Department of Justice shall decide all matters of doubt that may arise in the enforcement of this order, and will institute the proper measures for the carrying out thereof.

H. L. SCOTT,

*Adjutant General.*

Yet, notwithstanding the changes effected, some of manifest and some of doubtful benefit, it must be admitted that after three years of full American control of all such matters so little was accomplished, in fact, that the Cuban people were quite as reluctant as ever to take their cases to court. In no other department of the life of the Island, excepting the industrial, was so little really accomplished as in that of such supreme importance as the Department of Law and Justice.

Of change in the laws, of amplification, modification, and of the creation of new laws, there was an abundance. Some of these changes were effected on the ground of "military necessity." Yet it is to be remembered that, although the administration was nominally a military government, there

was no martial law, and civil law had been proclaimed as the law of the land.

Some justification for our manipulation of Cuban laws might have existed had the work been done under the supervision of duly competent legal minds. Presumably, the changes were effected at the instance of the Cuban Secretary of Justice, and such orders generally opened with the statement that they were issued upon the recommendation of that official. In some cases, it is probable that the Secretary was the instigator. In the majority of instances, that official was the tool and instrument of the military administrator. If that authority disapproved an existing law, he effected its repeal or its modification. If he desired to do that which required a law, and none existed suitable to his purposes, he issued the law, through the Department of Justice, and closed its statement with the declaration that "All provisions of codes, laws, decrees, or orders in conflict with this order, are hereby repealed and revoked."

## CHAPTER XX

### VARIOUS QUESTIONS

#### THE ISLE OF PINES

ARTICLE VI of the Platt Amendment declares that "The Isle of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title and ownership thereof to be left to future adjustment by treaty."

[The basis of America's gossamer claim to the Isle of Pines, the ownership of which is thus to be determined, rests in a distorted interpretation of the letter of the Treaty of Paris. In its reference to the cession of the Philippine Islands, that instrument defines by lines of latitude and longitude the territory ceded. In its reference to the West Indian territory, it is less explicit.] Article I declares that "Spain relinquishes all claim of sovereignty over and title to Cuba." There can be no doubt that in the minds of the Commissioners this relinquishment included the chain of islands and keys which almost surrounds the main Island, and which has always been held and regarded as part and parcel of Spain's Cuban colony. Presumably, Article I disposes of the Cuban area. Article II refers to Porto Rico, and states that "Spain cedes to the United States the Island of Porto Rico and other Islands now under Spanish sovereignty in the West Indies." So runs the instrument in its English form. In its Spanish version, the phrase reads "Porto Rico and *the* other Islands." No reasonable ground exists for any doubt that the Islands thus referred to were Mona, Viequez, and Culébra, all of

them in Porto Rican waters. It is a fair supposition that if the American Commissioners had laid claim to that which had always been held and regarded as part and parcel of Cuba's territory, such area would not have been surrendered without vigorous protest and prolonged discussion. There is no ground whatever for any belief that American ownership of the Isle of Pines even entered the minds of the Commissioners, either Spanish or American.<sup>1</sup> Yet, under this reference to the "other Islands under Spanish sovereignty in the West Indies," interested parties set up the claim to the Isle of Pines.<sup>1</sup> Such an interpretation would also give to the United States Cayo Romano, Cayo Coco, the Jardines de la Reina, and all the hundreds of small islands of the Cuban coast, a step never intended by any of the parties to the relinquishment of Cuba and the cession of Porto Rico and "other islands."<sup>1</sup> The total area of these many small islands is greater than that of the Isle of Pines. But they are worthless, strategically, and practically valueless industrially. The census of 1899 gives the Isle of Pines a population of "2,990 Cubans, 195 Spaniards, and 14 others." A few score of Americans have since been induced to settle there upon representations that it was American territory, and would remain under American jurisdiction.

[No alternative appears between cession and no cession by the Treaty of Paris. That there was no such cession is established by the Platt Amendment itself. Cession would have made it American territory, and alienation by such a process would have been impossible.] Yet the claim was made and, for a time, some of the authorities in Washington were disposed to stand by it. Their contention was seriously weakened by the acts of General Wood, at the time of the American withdrawal from Cuba. [Among the documents of the ceremony of transfer there appeared a

communication from the Secretary of War, marked "Letter D." This contained the following passage: "It is understood by the United States that the present government (*i.e.* the Military) of the Isle of Pines will continue as a *de facto* government pending the settlement of the title to said island, etc., etc." To this, President Palma replied as follows: "It is understood that the Isle of Pines is to continue *de facto* under the jurisdiction of the Government of the Republic of Cuba, etc., etc." General Wood either failed to notice or saw fit to disregard this definite contradiction of his instructions from Washington, and upon his departure he made no provision whatever, by local representation or otherwise, for a continuance of the American authority. [The Cuban Republic proceeded to administer the affairs of the Isle of Pines as it did the affairs of the main Island.

[Politically, geographically, and legally, by several centuries of legal and political affiliation, the Isle of Pines belongs to Cuba as Nantucket belongs to the United States, and as the Isle of Wight belongs to England. It is in no way to our credit that an attempt has been made to filch it from her. Without the expenditure of a vast amount of money, it is strategically worthless, and there exists neither legal nor moral ground upon which we can lay claim to it without laying ourselves open to charges of "criminal aggression" so vigorously reprobated by Mr. McKinley.]

[The island lies some fifty miles from the southern coast of Cuba, almost directly southward from Havana. It is separated from the mainland by a stretch of shallow water dotted with coral keys and mangrove islets. So shallow are these intervening waters that people of the region declare that cattle have actually crossed on foot between the island and the mainland. Its area is given as 840 square miles. It

is, in effect, two islands connected by a marshy area. The northern section is broken and hilly while the southern section is a somewhat sandy level. The possible products are similar to those of the mainland. There are mineral springs of some medicinal virtue, and a marble quarry of some, though probably not of great value. There are sponge fisheries and large tracts of fertile land. The climate is delightful.]

#### CHURCH AND CHURCH PROPERTY QUESTIONS

Among the legacies left to the Government of Intervention, the Church property question was one of notable difficulties. The incoming government found various buildings occupied and used for State purposes, upon which the Church held claims. The matter is not a little complicated, involving as it does points of Spanish law which have no parallel in American jurisprudence. Prior to the nineteenth century there appears to have been no question regarding the titles of property held by the Church. During the opening years of that century, the property held by the monastic orders in Spain was confiscated by the State. The order of confiscation related to Spain's peninsula territory, and not to her insular possessions.

About the year 1837, Captain General Miguel Tacon, in the furtherance of certain plans, raked up the Spanish confiscation act and sought to apply it to the holdings of monastic orders in Cuba. In November and December of 1841, Valdes, then Governor of the Island, seized these properties, and diverted them to the uses of the State. The more important of these seizures included the Convent of the Franciscans, since and now used as the Custom House in Havana; the Convent of the Dominicans, which, at the time of the American occupation, was used by the Institute and the

University of Havana; the Convent of the Augustinians, used as the Academy of Sciences; and the Convent of San Ysidro, used by the Spanish as a military barracks, and, at first, as a relief station by the Americans, and later, by the authority of General Ludlow, as a training school for orphan girls. There were also various other real estate holdings, as well as funds, claims, and *censos*.

This action was contested by the Church authorities, through Madrid and Rome, on the ground that the order under which the seizure was made did not apply to the Island of Cuba. In 1845, a report of the action was submitted to Isabel II, then Queen of Spain, who is said to have expressed great surprise and to have ordered the restoration of the property. But the order does not appear to have been put into the form of a royal decree or law, and was non-effective. To the royal instructions the local authorities in Cuba replied that such restoration was then impossible, for two reasons:

- (1) Because a large part of the property had been sold and had passed into the hands of third parties.
- (2) Because other parts had been converted to public uses, such as custom houses, etc., and their use for those purposes was necessary to the State.

The matter dragged on as a subject of correspondence for several years. In 1849 or 1850, a commission was appointed, two members of which were chosen by the Pope, and two by the Spanish Crown. The purpose of this commission was the equitable adjustment of the claims of the Church. In 1851, they drew up a document known as the *concordat*, or agreement, upon the findings and conclusions of which all subsequent relations have been based. This was approved by both parties on March 7, 1852. It became, in the nature of a treaty or contract, of legally binding force.

All subsequent legislation relating to Church property in dispute, and to Church claims for indemnity, has rested on this *concordat*. The document covered not only insular but peninsular Church property, and included clauses having direct reference to the property in Cuba. Among these stands Article 38, which revokes the earlier order of confiscation, and orders the colonial authorities to restore to the Church the property remaining unsold and not converted to public uses, and to make valuation, according to canon law, of the portion sold or converted to public uses, and to issue three per cent bonds of the consolidated debt of Spain, in satisfaction of the appraisement.

The first part of this law was duly complied with by the restoration of the specified portion. The colonial authorities objected to the second provision on the ground that such bonds were non-negotiable in the Island of Cuba and that their issuance would be prejudicial to the interests of Cuban holders. In answer to this, there was issued, on Nov. 26, 1852, a Royal Cedula which provided, in lieu of the issue of such bonds, an order for a valuation of the sold and appropriated property, the valuation to be acceptable to both parties, the Church and the State, and a separate funded debt instituted whose income should be turned over annually to the Bishop, for the maintenance of public worship and the support of the clergy. By this act, it was held that the Spanish authorities had definitely and legally recognized the indebtedness of the State to the Church. All further sale of the property was stopped, it being admitted that such property was only held in trust, the Church to derive an income therefrom until such time as, should it so elect, the Government should obtain full title by the payment to the Church of the full sum of the appraisal. The financial obligation assumed by the Government under this

provision was duly and regularly paid by the Spanish authorities up to the date of the Spanish evacuation, on Jan. 1, 1899. Naturally, under the new order, with the definite termination of the political affiliation between Church and State, these payments ceased with the American occupation, although the new government, pending legal determination of the matter, continued to hold and use the properties involved, as State buildings surrendered with other edifices by the Government of Spain.

Such was the state of the case when the American Government took possession of the Island. The option lay for that Government to continue the annual payments to the Bishop, a sum amounting to \$250,000 to \$300,000 per annum, or to meet the original obligation by paying to the Church a lump sum which would represent the present value of the properties. The matter remained a subject of discussion and consideration until Aug. 15, 1900, when Civil Order No. 321 was issued, making provision for a commission of three "to investigate, and report upon the claims of property and property rights of every kind and nature made by the Bishopric of Havana." On October 10, another commission was appointed for the same work in the Archbishopric of Santiago de Cuba.

Upon this matter, as upon so many others, there arises the question of justification for American interference with an affair which involved interests of importance to the Cubans, and which was, rightfully, for Cuban determination. It is true that the Church authorities were urgent for its adjustment, but their special motive for this urgency lay in their belief that they would obtain more liberal terms of settlement from American than from Cuban authority.

The commission for the district of Havana reached its conclusions during the year 1901, and its findings were

accepted by the Church authorities and the Military Governor. The Government paid to the Church the sum of \$868,657.81 for the discharge of *censos* and *capellanias*, for the payment of back rent from Jan. 1, 1899, and for sundry reimbursements. The property occupied by the State was valued at \$1,499,550, and it was agreed that the State should pay upon this a rental at the rate of five per cent with the option of purchasing at the appraised value within five years.

The agreement regarding the Santiago property was reached on Jan. 11, 1902, and settlement was effected substantially upon the same basis as that provided for the Havana district; \$82,579.16 was paid in adjustment of the various outstanding claims. The rate of interest to be paid as rental for the property used by the Government was fixed at three per cent instead of five per cent, as in the Havana district. This was by reason of the lesser value and utility of the properties involved. The valuation of these properties was fixed at \$535,000, with a five-year option of purchase at the sums fixed as the value of the various holdings.

Two parties to these conclusions appear to have been quite satisfied with the outcome. These were General Wood and the Church authorities. From much that was said after the American withdrawal there is reason for inference that some portion of the Cuban people and Cuban leaders were less pleased, and desire was manifested in some quarters to discover means of invalidating the contract. This desire was defeated by Article IV of the Platt Amendment. The satisfaction of the Church is indicated by the following extract from the *Catholic News*:

"That Bishop Sbarretti has been successful in this mission is apparent from the tangible results achieved in Havana. He has happily arranged an understanding regarding the status of the Church in Cuba under the new order of civil affairs, at once satis-

factory to religion and to the Government interests. The drastic marriage law enacted by General Brooke, whereby a Catholic priest was disqualified to give legal force to the bond of wedlock, has, through the energetic and patient efforts of the Bishop, been repealed by the Military Governor, General Wood, and a measure that is highly satisfactory to the Church substituted.

"But a problem of still greater moment was the restoration of property belonging to the Church, but which had been sequestered by the Spanish during the civil war that obtained in Spain and her colonies after the death of Ferdinand VII. The happy solution of this intricate problem had engaged the attention of Bishop Sbarretti from the date of his entrance upon his duties in Havana. So forcibly and intelligently did the prelate present the claims of the Church that President McKinley, shortly before his lamented death, recognized the Bishop's contention and ordered justice to be meted out to the Catholic Church in the diocese of Havana."

The attitude of the Cuban people, as a whole, has not of late been notably cordial toward the Church as an institution. This is due in large measure to the close relations which existed between the Church authorities and the representatives of the Spanish Government. The Bishop of Havana was a member of the Governor General's council. The condemnation of the acts and attitude of the representatives of the Church in Cuba, has come from Roman Catholics themselves and not from Protestants, of whom there were only an insignificant number in the Island. The priests were, with few exceptions, Spaniards, without sympathy for the Cuban people and not responsive to their aspirations. To the Cubans, they stood as the personification of ignorance, cupidity, and indifference to their holy office. In treating of this feature of the life of the Island, Mr. Charles M. Pepper\* calls attention to the manifestation of Cuban feeling as shown in Cuban theatres. He says:

\**Tomorrow in Cuba*, p. 240.

"The popular conception is shown in the theatres. In the best of the plays the foibles of the *curés* or parish clergy are received by cultivated audiences as suggestive of something grosser. In the low variety theatres the grossness of the stage representation makes the suggestion unnecessary. The escapades of the *curés* are a stock subject. . . . The slanders and the insinuations of the scoffer are ignored where holy living enforces the respect due to the holy office. A representation of Catholic priests or of Protestant clergymen such as finds favor in Havana would be flat and dull to a depraved American audience because of their consciousness of its falsity. In the Havana variety theatres the sauce comes from the truthfulness of the suggestions."

The following appeared in a Cuban newspaper, *El Grito de Yara*, in December, 1898:

"Cuba, like all of Latin America, has been the refuge of the Spanish clergy expelled from their dioceses, the *flor* of ambitious prelates. Here they have come in totality, least of all to preach the dogma, to make Catholic propaganda, to moralize. They have shown their desire for domination. For hope, they have substituted lucre and usury; for charity, tyranny; the god of the majority of priests has been the vile metal. In their time of power they were not seeking to save souls or to administer the sacraments, but to make money, to dominate, to collect dues. Not to educate, but to prostitute."

During the war, Te Deums were sung in the churches for Spanish victories, and Cubans openly asserted that priests betrayed the secrets of the confessional to the prejudice of the Cuban cause, and, in individual cases, such betrayal was held responsible for the imprisonment and execution of Cuban patriots. These complaints and the alleged attitude of the priesthood find parallel in the Philippine Islands, and as in both Cuba and the Philippines the complainants are at least nominal adherents of the Roman Catholic faith,

some weight must be given them, and no charge of sectarian prejudice can lie against their rehearsal.

The attitude of the Church authorities toward the Government of Intervention was diplomatic. It was not in any way openly hostile, nor was there any manifestation of friendliness or evidence of desire or purpose to coöperate in the establishment of the new institution. The attitude was rather tentative, tinged with some suspicion and an air of watchfulness. All political and financial relations were, of course, immediately severed.

Prior to the revolution, a few Protestant missions had been maintained in different parts of the Island, but they had secured no more than a very weak and limited hold upon a very small number of the people. Coincident with the military occupation, there appeared a number of Protestant missionaries and a fairly ready hearing was given to some of them in the early days. This was doubtless attributable to a certain reaction and to the harmony of Protestant church methods with the prevailing sentiment of political republicanism. While some impetus has doubtless been given to Protestantism by the experience, its permanence is somewhat doubtful. The situation presents no comparison with that of the Philippine Islands. The Filipinos, men as well as women, are notably loyal in their adherence to the Church as an institution, and notably faithful in their observance of its services and ceremonies. The men of Cuba manifest a strong tendency toward agnosticism and free-thought. Whether this is the result of an intellectual process or a form of mere poll-parrotism will be determined largely by the future course of the Church. A faithful and earnest priesthood, commanding respect and reverence, would unquestionably win many of them back to the arms of the Church. In the main, the Cuban women maintain their

attachment to the Church and observe its ceremonials. The Church is by no means a defunct organism in Cuba. Its revivification will depend primarily upon the wisdom and the righteousness of its local representatives.

Something of Cuban opinion regarding this question at the time of the withdrawal of American authority, is indicated in the following extract which appeared in one Cuban paper of prominence (*El Mundo*, Havana), and was copied by another (*La Lucha*, Havana):

"The clergy has lost in Cuba the power that it had — our people feel a repugnance against the cassock — and the recollection of all the evils which it committed in our country is latent. The clergy in Cuba were guerillas, spies, informers; it tried in the schools to teach the children to hate their parents if the latter were Cubans, and the soil on which they were born if, born in Cuba, they had Spanish parents. Within, their colleges are immoral; managed by bad men who have no more knowledge than to pervert, and who, cloaked with the sacred mantle of hypocrisy, still find fools whom they can exploit by means of unworthy fables.

"Our people do not need the priest at all; they are all right without him. 'Catholicism' — says *La Discusion* in an article which is said to have been written by a high functionary of the government — 'has a temple in every Cuban home,' but these are temples without priests, temples where the most beautiful image is virtue. In these temples the children learn their moral duties, which the priest in the school would upset."

Some indication of the general attitude a year later lies in the favor shown to proposals to tax Church property.

#### CUBAN RAILWAYS

Cuba was no laggard in the adoption of steam railways as a means of transportation, though her system is still small and incomplete. In 1837, Governor General Miguel

Tacon granted a concession for the Puerto Principe and Nuevitas line. This was not opened, however, until 1851. I am told, though I have been unable to verify the statement, that the line from Havana to Guines was in operation before that date. The Matanzas and Sabanilla road was opened in 1854. At the time of the American occupation, Cuba had seventeen public lines and one hundred and seven private lines. The latter are constructed and used for the transportation of sugar cane in the vicinity of the large *centrales*, or grinding mills. These private roads represented, on Jan. 1, 1899, an investment of \$12,000,000 for equipment and 965 miles of track. The public lines covered 1,135 miles, with a valuation of \$68,000,000.

Nine-tenths of Cuba's public railway system, on Jan. 1, 1899, was in the western half of the Island. The two great eastern provinces, Puerto Principe and Santiago, were destitute of railways, with the exception of four short lines of a total length of a little more than one hundred miles. These reached, from coast harbors, the inland cities of Puerto Principe, Holguin, San Luis, and Guantanamo. The military line, constructed for military purposes along the Jucaro-Moron trocha, was of little value for commercial purposes. The war left the railways of the Island in bad condition, and many of the Cuban and Spanish stockholders were ready to part with their holdings. American investors looked the properties over, but decided that the prices asked were entirely unreasonable, and declined to purchase. An English company, operating as the Western Railway of Havana, Ltd., owned the one hundred mile line from Havana to Pinar del Rio. Another English company bought up the system known as the United Railways of Havana, which covers, generally, the territory for a hundred miles or so to the eastward of Havana; and another English organization

secured the Cuba Central Railway which occupies a portion of the field eastward of the United Railways area. These companies did something in the way of reconstruction and improvement, but nothing in the way of extension.

The important feature in the department of transportation, during the period of intervention, was the construction of a line from Santa Clara, where it made connection with the western systems, eastward to Santiago on the southeast coast, and to Nipe Bay on the northeast coast. This enterprise was inaugurated by and was carried on under the immediate supervision of Sir William Van Horne, formerly at the head of the Canadian Pacific Railway. The company holds a New Jersey charter. In its inception, the work encountered the Foraker Law, which prohibited the granting of any concessions during the term of American occupation. It has been asserted that the work was an evasion of that law. This is not accurately the case. The company asked for no concession, and in all ways complied with the existing law. The Foraker Law prohibited new public enterprises dependent for their existence upon government or municipal franchise. It was not and could not be operative as against private enterprises. The Cuba Company therefore purchased a continuous strip of land some four hundred and fifty miles in length and thirty metres in width, taking legal titles thereto, and proceeded with the construction of a railway upon the land thus acquired. This it could do under the laws of the Island relating to the construction of private lines. It was the installation, though on larger scale, of a private line under the same law as that governing the line of the United Fruit Company, with its twenty-nine miles of track, seven locomotives, and three hundred cars, and the system on the Terry estate, with its sixty-five miles of road, sixteen locomotives, and seven hundred cars. A revocable license

was obtained which gave the right to cross streams and highways, subject to modification or revocation by any succeeding government. Upon its surface, the enterprise was little better than a gigantic speculation with a doubtful foundation. Although this was not, perhaps, a technical violation of the Foraker Law, there was involved a certain juggling with that instrument, with and by the connivance of the authorities in Washington. The work was, very rightly, regarded as of vast importance to the Island. Several millions of dollars were put into immediate and active circulation at a time when money was scarce, and in an area which had suffered disastrously by the processes of the war. The law was certainly stretched to its utmost, although it was undoubtedly stretched to the great advantage of the Island.

The existing laws gave the company no right of expropriation. Obstacles were encountered in the shape of land owners who refused to sell except at extortionate figures. Areas were encountered to which no owners could be found, and other areas of doubtful and complicated title. Newspapers attacked the enterprise, some of them hoping to be paid for silence or approval. Petty politicians essayed similar methods. But the company proceeded with its work, overcoming both opposition and obstacles, until it finally won an almost unqualified support throughout the entire length of the line. On Feb. 7, 1902, there was issued from the headquarters of the Military Governor an order known as No. 34. This, by virtue of the power of that government to make or to unmake laws in what was held to be the interest of Cuba, created a new railroad law for the Island. The merits of the law are beyond doubt, and it has been approved by competent authority. It was drafted by able Cuban and American lawyers, and was passed upon and endorsed by the Secretary of War. It is both concise

and comprehensive. It safeguards both public rights and private interests. The objection to the creation of so important a law at a time so shortly preceding the transfer of government is offset by the advantage accruing to the Island under its provisions. It gave to legitimate and officially approved railway lines, anywhere in the Island, the right of legal expropriation, and under this provision the Cuba Company was enabled to complete the construction of a railway system which opened to settlement and to productive cultivation an area, previously of little value, of twelve to fifteen million acres, or nearly one-half of the entire Island.

There was also issued a law which established a Board of Railway Commissioners. Its members were the Secretaries of Public Works, of Finance, and of Agriculture. Its business was the determination of all matters relating to the insular railways. As the result of an investigation carried on by the Board, and upon its recommendation to that effect, there was issued, on April 28, 1902, Civil Order No. 118. This regulated an exceedingly confused railway tariff system by prescribing maximum rates of transportation for freight and passengers. The freight schedule is too long and too complex for inclusion here. Passenger rates were established as

	1ST CLASS	3D CLASS
From 1 to 75 kilometres distance ..	9.64 cts.	1.82 cts.
“ 76 kilometres upward .....	2.72 “	1.36 “
(The kilometre is practically five-eighths of a mile.)		

The former rates varied widely, but their range may be given as from seven to twelve cents per mile for first-class passage. The new rate still left the charge at a fairly high figure, being nearly six cents per mile for short trips and about four and one-third cents for long runs. Naturally, the sweeping reduction called out the protest of railway

officials. The reduction order was supplemented by the following:

HAVANA, April 28, 1902.

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of the following order:

1. That the foregoing order of the Railroad Commission of the Island of Cuba, fixing maximum rates, shall take effect on the twelfth day of May, 1902, and shall not be superseded or suspended by or pending any appeal therefrom, or from any part thereof.

2. That upon an appeal under the authority of the Railroad Law, Order No. 34, Headquarters Department of Cuba, February 7, 1902, the Supreme Court shall not be deemed to have jurisdiction to pass upon the power of the Military Governor to enact said law, or undo the validity of the provisions of the law itself, under which the Railroad Commissioners have acted in fixing rates and under which appeal is taken.

The jurisdiction of the Supreme Court upon such appeal is limited to passing upon the validity and propriety of the action of the Railroad Commissioners in the exercise of the powers conferred upon them by the law, and does not extend to questioning the existence of those powers.

LEONARD WOOD,

*Military Governor.*

The customary form for the publication of such instruments had long been "The Military Governor of Cuba directs the publication of the following order," etc. Some Cuban comment was made to the effect that good taste would have suggested a continuance of that form. Nor was the subjection of the Supreme Court to the mandate of the Military Governor entirely overlooked. Quiet reference was made, in private conversation, to the royal decree of Ferdinand VII, of May 28, 1825. The managers of the Cardenas & Jucaro and of the Matanzas railways sent telegrams of protest to the President of the United States, to which the following reply was received:

*Department of War.*

WASHINGTON, May 15, 1902.

Sirs: Your telegram to the President of the United States, dated May 12, 1902, has been sent to this Department. The order of which you complain, No. 118, April 28, 1902, has been considered and approved by the Secretary of War.

It is the result of a determination which, as far as this Government is concerned, is decisive, as the Government has exercised and will exercise the power to regulate reasonably the tariffs of the railroads of Cuba.

The United States does not entertain the purpose of submitting the question as to whether this power exists or not to the Cuban courts.

In order that it may be determined whether the law drawn up by virtue of the exercising of this power is really reasonable, Order 118, authorizing its revision, has been published.

Of course after the establishment of the Cuban Government the latter can take whatever decision it may choose with regard to the confirmation and exercise of said power.

Very respectfully,

E. Roor,

*Secretary of War.*

This peremptory assertion of the intention of the intervening government to stand upon its right to exercise such "sovereignty, jurisdiction, and control" as might suit its own purposes, notwithstanding the declaration of the Joint Resolution, was also a subject of Cuban comment. The regulation of railway rates was, in itself, a desirable measure, but inasmuch as the Government of Intervention was to be so soon withdrawn, and a Cuban government installed, it was thought that the measure was unduly "sovereign" in tone, and that the terms in which its endorsement was expressed were unduly curt and despotic.

## JAI ALAI AND THE FORAKER LAW

A Congressional enactment, generally known as the "Foraker Law," prohibited the granting of "any property, franchise, or concession of any kind whatever by any military or other authority whatsoever while Cuba is under occupation by the United States." This law, which prohibited any new franchises or concessions, should also have prevented the recognition and completion of franchises or concessions which remained inchoate at the time of Spanish withdrawal. It was used as an argument for the refusal to recognize the claims of Messrs. Dady & Co., in the matter of the Havana sewerage and paving contract, and also in the matter of the De Armas contract for a municipal loan. Both of these parties held inchoate concessions.

Yet in two other cases which stood in the same general condition, as inchoate franchises or concessions in which further action was suspended by the Foraker Law, a different course was followed. One of these cases, that known as the Jai Alai, became, after American withdrawal, the subject of an active controversy. The other, known as the Castañeda concession, appeared, though much less prominently.

Because of their prominence, and because of their bearing upon an important issue, a review of these cases is pertinent here. The history of the Jai Alai case is as follows:

In April, 1898, one Tomas Mazzantini, a noted bull-fighter, applied to the authorities of Havana for a concession to erect in that city a *fronton*, or court, for the public exhibition of a Basque game of ball bearing some resemblance, in its manner of play, to the game of racquets. The proper title of the game is *Pelota*, although reference is commonly made to it as Jai Alai, which simply means a merry-making.

The application was approved by the *Ayuntamiento* of Havana, but the approval lacked the necessary ratification of the higher authorities at the time of the American occupation. The measure was, therefore, at that time and at the time of the passage of the Foraker Law, inchoate and invalid. Early in 1900, Señor Basilio Zarasqueta, as attorney for Mazzantini, made application for the ratification of the contract, or concession. This was granted by the Municipal Council on March 16, 1900. But there was still needed the approval of the Civil Governor of the province, and that of the Military Governor, to give the concession a legal effect. The Civil Governor, Señor Emilio Nuñez, saw no objection to it and forwarded it to the military authorities. It was submitted to the Judge Advocate, Col. E. S. Dudley, for his opinion on its legality. The report of that official closes with the following paragraphs:

"It was undoubtedly the intention of the 'Foraker Amendment' to prevent the granting of any such rights, extending over a term of years, until such time as military government ceased and the permanent government could act. The prohibition thereof extends to 'franchises or concessions of any kind whatever' by any military or other authority whatever.

"The approval, therefore, of this application can not be recommended."

This was on Feb. 22, 1901. On the 26th of that month, it was sent back to Col. Dudley bearing two endorsements by H. L. Scott, Adjutant-General. These were signed by Colonel Scott, "By direction of the Military Governor," and gave expression to a general consent and approval by that official. Colonel Dudley returned it with his second endorsement, as follows:

"Respectfully returned. It is not possible to recommend approval of any act which concedes the use of public property to

individual use, or use of a private corporation, whether a monopoly or not. The concession was never completed by the ratification of the Spanish Governor-General, as herein asked of the Military Governor. The concession for the use of this property for ten years still remains, notwithstanding the restrictions of the proposed endorsement."

A slight modification was effected in the instrument, and it was again sent to Colonel Dudley with a somewhat urgent message of approval by the Military Governor. But the Judge Advocate was obdurate and returned it for the third time. His endorsement closed thus: "I find no reason for changing my opinion given in this matter Feb. 25, 1901, and Feb. 28, 1901."

It then developed that, for some reason, the Military Governor had made himself a special advocate in the case. Under date of April 8, 1901, he sent a portion of the documents and a partial statement of the case to Hon. Elihu Root, Secretary of War, as "personal enclosures," asking that official's "personal views" in the case. Mr. Root referred the matter to Mr. Charles E. Magoon, law officer of the Bureau of Insular Affairs. In his report, Mr. Magoon called the attention of the Secretary to the fact that only a portion of the papers had been submitted. The only question referred to Washington by General Wood concerned the right of the municipality of Havana to rent a piece of ground belonging to the city, for the erection of a "*fronton*, or hand-ball court, wherein the public are to be permitted to play hand-ball upon payment of a fee." To this there was no legal objection, and upon this point only Mr. Magoon gave his opinion in approval. In some way, Mr. Magoon was misled, either by the phraseology of the application or by some explanation of it, regarding the purpose of the building. It was not, as he states, a building for "use of

the public on payment of a fee." It was a structure into which the public was admitted on payment of a fee, for the purpose of watching and betting on a game played by professionals. It had no other purpose whatever.

Meanwhile, it is of interest to note that before the matter was submitted to Colonel Dudley, the building was in process of erection, and when the question was submitted to Washington, the game had been in operation for nearly two months, with all those attendant features which led the Cuban Senator, Manuel Sanguilly, one of Cuba's leading statesmen, to denounce the institution, in a speech in the Senate, on Jan. 7, 1904, as a "social cancer, whose results are the moral and material ruin of many persons, the cause of commercial failures, and of the suicides of fathers of families and youths of brilliant promise." Thus did a distinguished Cuban Senator denounce an institution of which an American Military Governor became the chief promoter.

But the *concessionaires* were not satisfied with a verbal statement of official approval and the establishment of the game. They clamored for a full legal recognition. This involved an official establishment of the inchoate concession, and an official endorsement of a game which, although it was a display of marvellous skill and charged with thrilling excitement, was no more than the basis for an extensive and ruinous gambling system. An attempt has been made to minimize and explain away this feature by parallels with betting on baseball and horse-racing. No such parallel lies. The Jai Alai Company was itself the proprietor of the betting, and the beneficiary from it. It was from its commissions on the bets made, to which it held a monopoly, that its enormous dividends were derived.

The matter dragged in suspense until April 26, 1902,

about one month before the American withdrawal. Under that date Señor Manuel Otaduy, the president of the Jai Alai Company, addressed to the Military Governor a letter closing with the following expression: "This is an act of justice which I trust to procure at your hands." The letter was a request for the official recognition and definite legal establishment of the Mazzantini concession. Although the game had been going on for more than a year, the *concessionaires* realized that they were not legally protected either in the exclusive concession for which they applied or in the gambling feature which this letter declared to be "a part of the spectacle and without which it (the game) could have no reason to be."

This recognition and authority was given under date of May 7, 1902, in a communication signed "By order of the Military Governor, H. L. Scott, Adjutant-General," this being the customary form for all official documents and communications. This reply informed Mr. Otaduy that the papers in the case had been examined, their provisions and processes approved, and that "the rights acquired by your company are protected by the laws in force."

It has been denied that this constituted an illegal grant of a concession. Two facts have an important bearing on this point. One is that the Jai Alai Company, advised by lawyers fully conversant with the Spanish codes, realized, up to April 26, 1902, that its concession was still inchoate and invalid. Otherwise, they would not then have demanded, "as an act of justice," its completion by official recognition. The other is that in spite of an earnest desire to rid their land of the pernicious institution, Cuba's legislators have been unable to see any way by which they could suppress it without violating Article IV of the Platt Amendment. On Jan. 1, 1899, the Jai Alai Company held an inchoate

concession. On May 20, 1902, it held a concession which the Military Governor declared to be "protected by the laws in force." This, in general outline, is the story of the Jai Alai. The affair created a considerable scandal, although neither the legal nor the moral issues involved were definitely determined.

The other alleged infraction of the Foraker Law appeared in the matter of an inchoate concession for an electric light system in the City of Havana, bought by and assigned to one Tiburcio Castañeda. It never attained the public interest which attached to the Jai Alai matter, and all that need be said about it here is that at the time of American occupation no one would have claimed validity for either the Giberga or the Fuentes concessions, afterward owned by Castañeda, and for which he asked official approval. Had they been valid concessions, reference or appeal to the American Military Governor would have been superfluous. On May 20, 1902, Mr. Castañeda was engaged in constructing his system. Cuban effort to stop his operations was met and defeated by Article IV of the Platt Amendment, which, as in the Jai Alai matter, protected vested rights acquired under laws and orders issued by the Government of Intervention.

#### REVENUES AND EXPENDITURES

For several reasons, it is to be regretted that there has not yet been submitted a summary of total receipts and expenditures of Cuban funds which can be accepted as a precise and accurate statement of our trusteeship. No complete debit and credit account has been prepared which includes all receipts and payments up to the day of American withdrawal, with a line drawn to show the exact balance transferred when the Cubans assumed control of an institution which Secretary Root described as a "going concern."

During the ceremonies on May 20, 1902 (See Chap. XII), General Wood informed President Palma that "the public civil funds, amounting to \$689,191.02, are transferred subject to such claims and obligations properly payable out of the revenues of the Island as may remain." The receipt of this sum was acknowledged by President Palma. This statement is open to no other inference than that the sum mentioned represented, at least approximately, the balance of our Cuban account, the surplus remaining in the hands of a trustee who was surrendering his stewardship. This, however, was far from the fact, and the statement has been the cause of tangles which would have been avoided by a more business-like presentation. This appears to have been merely the sum on hand in the Treasury at Havana, and left out entirely a sum of \$1,186,775.85, afterward reported as "in the hands of collectors and disbursing officers."

On pages 135 and 136 of the annual report of the Secretary of War, for the year 1902, there appears the following summary of total revenue and expenditure:

## REVENUES

July 18, 1898, to June 30, 1899:

Customs .....	\$7,928,460.60
Postal .....	151,585.40
Internal .....	347,431.89
Miscellaneous .....	234,345.66
	<hr/>
	\$7,961,839.55

Fiscal year 1900:

Customs .....	\$16,068,035.90
Postal .....	258,148.03
Internal .....	884,783.29
Miscellaneous .....	175,308.15
	<hr/>
	17,386,275.37

Fiscal year 1901:

Customs .....	\$15,950,526.91
Postal .....	367,950.60
Internal .....	658,685.92
Miscellaneous .....	184,003.23
	<hr/>
	17,161,066.66

## VARIOUS QUESTIONS

July 1, 1901, to May 19, 1902:

Customs .....	\$13,402,917.15
Postal .....	335,956.61
Internal .....	688,581.67
Miscellaneous .....	260,519.79
	<hr/>
	14,687,975.92
	<hr/>
	\$57,197,140.80

## EXPENDITURES

State and government .....	\$2,780,781.16
Justice and public instruction .....	11,108,187.46
Finance .....	990,586.71
Customs service .....	2,912,326.06
Postal service .....	1,625,762.03
Quarantine .....	694,024.81
Census .....	380,393.44
Auditor .....	312,758.42
Treasurer .....	581,700.10
Rural guard and administration .....	5,253,244.58
Agriculture, industry, and commerce .....	1,121,699.28
Public buildings, works, ports, and harbors .....	5,833,607.90
Jucaro and San Fernando Railroad .....	57,338.51
Barracks and quarters .....	2,525,483.78
Charities and hospitals .....	4,124,986.60
Sanitation .....	9,706,258.20
Municipalities (other than charities and hospitals and sanitation)	4,477,177.52
Miscellaneous .....	<hr/> 918,714.72
Total .....	\$65,405,031.28
 Revenues .....	\$57,197,140.80
Expenditures .....	<hr/> 55,405,031.28
 Excess of revenues over expenditures .....	\$1,792,109.52

But even this statement is not complete. The nominal balance of \$1,792,109.52 is subject to certain debits and credits, among them a "trust fund" of \$90,583.11, of which \$80,900.14 was postal money order funds, and none of which is properly to be included in a statement of available assets. There is also a debit item in the form of current liabilities, outstanding on May 20, which, so far as I have been able to learn from authoritative sources, has never been made up.

From all that I have been able to learn, I am disposed to

accept the figures of \$57,197,140.80 as a correct statement of total receipts. For a statement of the exact amount left to the Cuban Government as an unencumbered cash balance on the day when it began business on its own account, there should be added to the \$55,405,031.28 an unknown sum which may be small or which may be considerable. It would have been better had the account been brought to a state which would have warranted a probate court in discharging an administrator from the duties and responsibilities devolving upon him. As trustees of the Island of Cuba, pending a pledged transfer to a Cuban Government, we handled more than \$57,000,000. We should have rendered an account of our stewardship to the last cent.

## CHAPTER XXI

### CUBA LIBRE Y INDEPENDIENTE

THIS experiment of the United States in colonial government was far from a failure, and perhaps equally far from an unqualified success. Much was accomplished which will be of lasting benefit to the Island of Cuba. The mistakes that were made were, in the main, individual. A fundamental error undoubtedly lay in the manner in which state-building was entrusted to hands untrained in the work and imperfectly qualified for it. Yet, in spite of all that lies open to criticism or to condemnation, it is entirely beyond question that, when it withdrew on May 20, 1902, the United States left in Cuba an immeasurably better and surer foundation for a Cuban Republic than any upon which the Cubans could have built had they succeeded, without American aid, in expelling the Government of Spain.

This book would be incomplete without a brief comment on the structure which the Cubans have erected on the foundation thus laid. At the time of the withdrawal, there were many predictions of Cuban disaster and an early return of American authority, to assume a permanent control over a people incapable of proper conduct of their own affairs. There were even predictions of anarchy to come before the topmasts of the homeward-bound American transports had sunk below the horizon line.

Of Cuba's experience during the elapsed period, now somewhat more than two years, it may be said that it has,

in its success, surpassed the expectations of her most ardent friends, and that it has completely refuted the arguments of critics and doubters. The Cuban Government has not been ideal, and there has been much in its processes which is open to criticism and even to censure. But precisely the same is to be said of any and all governments, past or present. The histories of Rome, France, England, or the United States are by no means so clean that they are unassailable. Cuba has done well, wonderfully well, and her officials and her people are alike deserving of high commendation.

Peace and order have prevailed in the Island with perhaps even less of interruption than during the Intervention. This is due in part to the fact that the Cubans are a peace-loving and orderly people, indisposed to turbulence, and in part to their attention to that police protection which is a necessary institution in all communities. (The sanitary work established during the Intervention has been so continued and maintained that the mortality list rivals in its low percentage the records of the most healthful lands.) The school system, although a heavy financial burden, has shown no decadence.

In the Department of Public Works, even American energy has been outstripped. The report of the secretary of that department, for Cuba's first full fiscal year, shows that the American authorities, during the entire term of the Intervention, constructed sixty miles of new country roads. During their first year, the Cubans built forty-nine miles, with forty miles more in process of construction. The Americans built thirty-nine bridges of all classes during their occupation. During her first year, Cuba built twenty bridges, and prepared plans for twenty-five more. The records of the Island show that the work done has been done more economically than similar work was done under Ameri-

can direction, and that it has been done quite as effectively. Two factors have prevented an even wider achievement. These are lack of money, and shortage in the labor supply.

A consideration of Cuba's financial situation and policies presents many difficulties because of seeming incongruities. I refer above to a lack of money. Yet out of a total revenue only a little exceeding \$35,000,000, for two years, Cuba stored up in her national cash box several millions of dollars. Her Congress has manifested no disposition to plunge into extravagant expenditure, and no effort has been made to raid the Treasury. The general economy of administration, and the treasury accumulation, are attributable in large measure to the personal ideas and the personal opinions of President Palma. It was his belief that Cuba's general credit would be strengthened by a surplus on hand. He believed also in the wisdom of a comfortable balance for use in case of an emergency.

The national credit was a matter of moment. A considerable sum was wanted for the discharge of certain special obligations. These were in the form of bonds issued by the revolutionary government, and an agreement made by that government to pay the soldiers of the revolution for their time and services. These bonds, known as the '96 bonds, with accrued interest, represented an obligation of about \$3,000,000. The obligation to her soldiery has not yet reached a full determination.

When General Gomez decreed the industrial paralysis of the Island, thousands of laborers were deprived of all means of livelihood. It was then proposed and agreed that all who joined the insurgent ranks should receive payment for their services at a rate corresponding to the daily wage rate for labor on the plantations. This was set at one dollar per day. Our own experience in the various wars in which we

have been engaged leaves us in no position to reflect on the purchased patriotism of the Cuban warriors. An agreement had been made to pay them, and they wanted their money. Many of them were in great need of it. One of the first matters given important consideration by the Cuban Congress was the question of the pay of the army from the proceeds of a national loan. But there was much confusion regarding the number entitled to such pay, and the amount rightfully due the claimants. The original proposition was a total sum of about \$23,000,000 which should constitute a full and final discharge of all obligations.

A commission was appointed to review and revise the army lists, and to determine the amount rightfully due the individual claimants. Gen. Maximo Gomez was appointed as the head of this commission. It can only be regarded as a national misfortune and a most serious error that the commission should have departed from the terms of the original proposal to make the sum of about \$23,000,000 cover all claims in full. This was generally regarded as ample and even liberal. It had been accepted as satisfactory by the claimants themselves. The returns, as submitted by the Gomez commission, showed a gross indebtedness of about \$57,000,000, based on a payment of one dollar per day to privates, and an almost extravagant payment to officers. The claims were, moreover, computed in American gold. This was utterly without justification. The terms of the original agreement involved a payment in Spanish silver, worth, at a fair estimate, seventy cents on the dollar in American gold. Upon that basis, the value of the claims would have approximated \$39,000,000 in American gold. Cupidity was excited, and the idea of dividing the sum originally proposed disappeared entirely.

A national loan of \$35,000,000 had been under considera-

tion for many months, and taxes to meet the interest and to provide for the gradual payment of the body of the loan were imposed before the loan was made. It was also decided to use the entire proceeds of the loan for the partial payment of the soldiers' claims. On Feb. 12, 1904, the banking house of Speyer & Co. contracted for the \$35,000,000 loan, the price paid being ninety and one half, the interest rate being five per cent. The proceeds of this are, at the time when this is written, in process of distribution as a partial payment, and the method of extinguishing the unadjusted balance is under consideration.

Cuba's financial position may be briefly summarized. She has paid her bills; accumulated a very considerable treasury surplus; and has incurred no national debt beyond her power of ready provision for it.

For her economic development, it may be said that there has been steady and gradual improvement. The key to this is found in a comment by Señor Rafael Montoro, Cuba's Minister to England, in an article published over his signature in *Harper's Weekly* for June 20, 1903. He there said: "The producing classes are striving zealously to overcome adverse conditions of the market. Throughout the country there prevails an earnest purpose to reconquer wealth despite all these adverse conditions." Cuban success in this direction is perhaps best indicated by a table of the production of raw sugar, the most important crop of the Island. Her largest crops, prior to the revolution, were those of 1894 and 1895. The output of those and the succeeding years stand as follows:

	TONS		TONS
1894 .....	1,054,214	1897 .....	212,051
1895 .....	1,004,264	1898 .....	305,543
1896 .....	225,221	1899 .....	335,668

	TONS		TONS
1900 .....	300,073	1903 .....	940,000
1901 .....	615,000	1904 .....	1,089,735
1902 .....	850,000		

While other lines of productive industry show no such percentage of increase, there has been a general improvement. Among the causes of this improvement there may be noted the immigration of a considerable number of American settlers who have bought land, usually in comparatively small tracts, and in a majority of cases for the production of fruit and vegetables. It is estimated that, prior to the last revolution, there had been American investment in the Island to the amount of, approximately, \$50,000,000. Estimates of investment during the period of intervention increase this to about \$80,000,000. Later investment will not materially increase this amount, as most of the purchases have been on a comparatively small scale. The general condition of the market has offered no inducement to investors in sugar land and new mills, a line calling for investment on considerable scale. No data are available for quotation, but it is doubtful if more than a few millions of dollars have been placed in Cuba since the American withdrawal.

Viewing her economic situation broadly, while it cannot be said that Cuba has yet touched that prosperity which is rightfully hers by reason of her soil and climate, there has been marked improvement in her condition, and a notable brightening of her prospects for the future.

In his annual report for 1901, Mr. Root, then Secretary of War, made use of the following expression: "The same considerations which led to the war with Spain now require that a commercial arrangement be made under which Cuba can live." In his message to Congress, in December, 1901,

President Roosevelt said: "In the case of Cuba, there are weighty reasons of morality and of national interest why the policy (of reciprocity) should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States." Notwithstanding this vigorous attitude of the administration, the Fifty-seventh Congress failed to take action in the matter of either concessions or reciprocity. This incident has been reviewed elsewhere.

But the agitation for special commercial relations with Cuba persisted, and President Roosevelt did not abandon a cause to which he had definitely committed himself. A treaty was drafted during the winter of 1902-3, and was duly ratified by both countries. But the measure was modified by the introduction of a clause which provided that the treaty should not take effect until "approved by Congress." The necessary approval was not given during the session. During the ensuing months, Mr. Roosevelt decided to call an extra session for the sole purpose of dealing with the suspended treaty. The call was issued, Congress convened, and, on November 10, listened to the reading of a special message urging legislation which should give effect to the Cuban treaty. The result was tersely summarized in a despatch sent by the Washington correspondent of the *New York Herald*, on December 16, and published in that paper on the following day. It said:

"After two years of almost constant struggle and persistent effort on the part of President Roosevelt and his administration, and, at the last moment, the lashing of the party whip on the eve of a national election, Cuba gets her small meed of justice.

"The bill putting into effect the reciprocity treaty which was

passed by the House during the extraordinary session was finally passed by the Senate this afternoon by a vote of 57 to 18."

The treaty became effective at midnight of Dec. 27, 1903.] Anticipating, as a result of the treaty, an injurious curtailment of national revenue, Cuba's Congress was at that time considering an increase in her tariff rates, and, on Jan. 12, 1904, a bill was passed authorizing the Cuban President to raise the duties by an amount not exceeding thirty per cent of the existing rates. A decree in accordance with this act was promulgated on February 5, and became operative on February 8. While Cuba had every possible right to take such a step, and was entirely justified in doing so, the action encountered a considerable criticism from an American group which was evidently disposed to a belief that Cuba was morally bound to give attention to American interests even in preference to her own.] As a matter of fact, the tariff increase gave additional advantages to the United States.

[During 1903, the "Naval Stations Treaty," provided for in the Platt Amendment, was concluded, and the United States proceeded to occupy bases at Guantanamo, on the southeast coast, and Bahia Honda, on the northwest coast. Almost on the eve of its conclusion, a treaty regarding the Isle of Pines, by which the island was recognized as Cuban territory, was suspended for further investigation and consideration. Various minor treaties, of a routine nature were concluded during 1903 and 1904.

I have thus sketched, as briefly as it seemed possible to do, an era fraught with momentous importance to the people of Cuba. It was also a time of no insignificant meaning to the United States. That mistakes were made, and that friction arose from time to time, was inevitable. But the good that was done will live, while the ills and evils will be dissipated and forgotten. Cuba is our near neighbor, and

the people of the Island and those of the mainland will be drawn into even closer relations of personal and commercial friendship with the passing years. [Cuba is now our ward, our protégé. The day may come, it is my belief that it will come, when Cuba will become politically merged under the flag of the United States. If asked to say when I look for that event, I reply with the familiar Spanish phrase — *Quien Sabe?*

But whether that day comes soon or late, no right-thinking American can do otherwise than wish the new Republic, toward whose establishment the United States has contributed so largely, long life and prosperity in endless measure.

*Salut, Señores, y Adios.* ]

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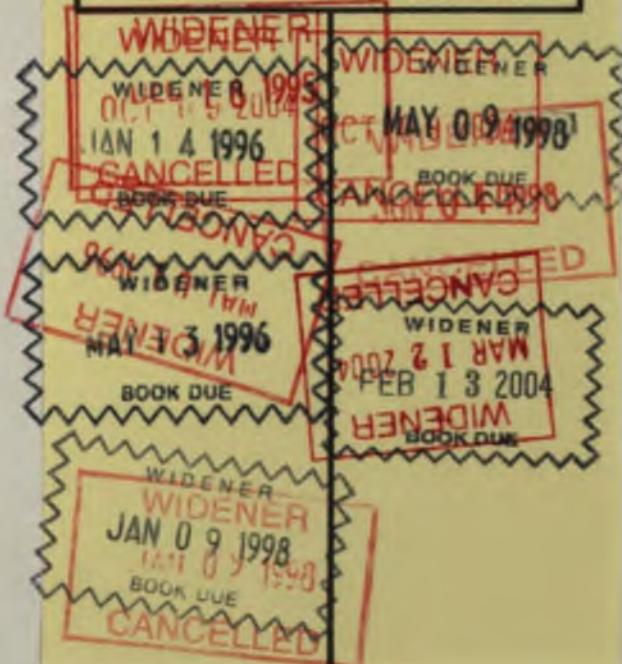
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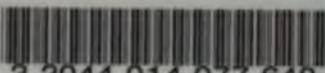


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